

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

NEWARK VICINAGE

CLAYTON HOWARD,

Plaintiff,

vs.

STATE OF NEW JERSEY, ET. AL

Defendant

Civil Docket No: 2:24-cv-07661-SDW-SDA

CIVIL ACTION AMENDED COMPLAINT

1. This is a complaint for damages pursuant 42 U.S.C § 1983, 42 U.S.C. § 1985(2)(3), 42 U.S.C. § 1986 and violations to New Jersey Civil Rights Act. A Claim is brought against the Borough of Carteret and the Essex County Prosecutors office pursuant to Monell v Dept of Social Services for failure to train those responsible for the enforcement of Domestic Violence law within the Borough of Carteret and Essex County which resulted in harm imposed upon the plaintiff by both an domestic violence offender and named defendants herein.

**PARTIES**

2. Clayton Howard, the plaintiff herein is a resident of MIDDLESEX COUNTY, in the State of New Jersey. Mr. Howard full address is to remain confidential to protect his safety.
3. The 1<sup>st</sup> Defendant is The Essex County Prosecutors Office, a public body vested with the mandate to prosecute suspected criminal offenders within Essex County in the State of New Jersey whose address and contact details are as follows: **Physical Address:** 50 W Market Street, Newark New Jersey 07103 **Telephone Number:** (973) 621-4700 **Email Address:** [Complainants@njecpo.org](mailto:Complainants@njecpo.org)
4. The 2<sup>nd</sup> Defendant, Jenna Ventola is an official in the office of the 2nd Defendant engaged as a prosecutor and whose address and contact details are as follows: **Physical Address:** 50 W

Market Street, Newark New Jersey 07103 Telephone Number: (973) 621-4635 Email

Address: jenna.ventola@njecpo.org

5. The 3<sup>th</sup> Defendant is “John Doe” being the prosecutor who was assigned to replace the 3<sup>rd</sup> Defendant Jenna Ventola on March 20, 2022, The Plaintiff has made numerous “Good Faith” attempts to receive information regarding who this prosecutor was as the listed victim within the prosecution of State of New Jersey v Francyna Evins but was denied despite being the listed victim in violation to New Jersey own statue concern the Rights of Crime Victims and Witness (N.J.S.A. 52:4B-36). The 5<sup>th</sup> Defendant is an official within the office of the 2nd Defendant and whose contact details are as follows: **Physical Address:** 50 W Market Street, Newark New Jersey 07103 Telephone Number: (973) 621-4700 Email Address: complaints@njecpo@org

6. The 4<sup>th</sup> Defendant Francyna Evins is the ex-partner of the Plaintiff who was the listed defendant name in the state of New Jerseys prosecution: State of New Jersey v Francyna Evins and the listed defendant named in Domestic Violence final restraining order FV-07-3579-22 and whose address and contact details are as follow: **Physical Address:** 37 Tompkins Street, Staten Island New York 10304 Telephone Number: (347) 668- 1233 Email Address: francynaevins@icloud.com

7. The 5<sup>th</sup> Defendant Cynthia Hardaway is the defense attorney assigned by the Essex County Superior Court to defend Francyna Evins in state prosecution State of New Jersey v Francyna Evins and whose address and contact details are as follows: **Physical Address:** 17 Washington Street, 1<sup>st</sup> Floor, Montclair New Jersey 07042 Telephone Number: (973)725-4300 Email Address: chardawayesq@verizon.net

8. The 6<sup>th</sup> Defendant is the Carteret Police Department, located within the borough of Carteret in Middlesex County New Jersey. The Carteret Police Department is a public body responsible for the enforcement of state law on the county level and for maintaining public safety whose contact details are as follows: Physical Address: 230 Roosevelt Avenue, Carteret New Jersey 07008 Telephone Number: (732)541-4181 Email Address njag.electronicsservice.civilmatters@law.njoag.gov

- 1           9. The 7<sup>th</sup> Defendant Officer Johnathan Defelice is an officer within the Carteret Police  
2           Department. The Carteret Police Department is a public body responsible for the enforcement  
3           of state law on the county level and for maintaining public safety whose contact details are as  
4           follows: **Physical Address:** 230 Roosevelt Avenue, Carteret New Jersey 07008 **Telephone**  
5           **Number:** (732)541-4181 **Email Address:**  
6           [njag.electronicsservice.civilmatters@law.njoag.gov](mailto:njag.electronicsservice.civilmatters@law.njoag.gov)  
7           10. The 8<sup>th</sup> Defendant Officer Torbino is an officer within the Carteret Police Department. The Carteret  
8           Police Department is a public body responsible for the enforcement of state law on the county level and  
9           for maintaining public safety whose contact details are as follows: **Physical Address:** 230 Roosevelt  
10          Avenue, Carteret New Jersey 07008 **Telephone Number:** (732)541-4181 **Email Address:**  
11          [njag.electronicsservice.civilmatters@law.njoag.gov](mailto:njag.electronicsservice.civilmatters@law.njoag.gov).  
12          11. The 9<sup>th</sup> Defendant Sergeant Jason Hanes is a Sergeant within the Carteret Police Department. The  
13          Carteret Police Department is a public body responsible for the enforcement of state law on the county  
14          level and for maintaining public safety whose contact details are as follows: **Physical Address:** 230  
15          Roosevelt Avenue, Carteret New Jersey 07008 **Telephone Number:** (732)541-4181 **Email Address:**  
16          [njag.electronicsservice.civilmatters@law.njoag.gov](mailto:njag.electronicsservice.civilmatters@law.njoag.gov)  
17          12. The 10<sup>th</sup> Defendant is Patrick Wallmack of Middlesex County Municipal Prosecutors Office  
18          who is responsible for the prosecution offenses within the State of New Jersey on the  
19          municipal level and whose contact details are as follows: **Physical Address:** 25 Kirkpatrick  
20          Street, New Brunswick New Jersey 08901 **Telephone Number:** (732)745-5089 **Email**  
21          **Address:** [njag.electronicsservice.civilmatters@law.njoag.gov](mailto:njag.electronicsservice.civilmatters@law.njoag.gov)  
22          13. The 11<sup>th</sup> Defendant Judge Allen Cumba is a judge of the Carteret Municipal Court and is sued  
23          in his official capacity. Borough of Carteret is a municipal corporation organized under the  
24          laws of the State of New Jersey Borough of Carteret Municipal Court address is as follows:  
25          **Physical Address:** 230 Roosevelt Avenue, Carteret New Jersey 07008 **Telephone Number:**  
26          (732)541-3900 **Email Address:** [njag.electronicsservice.civilmatters@law.njoag.gov](mailto:njag.electronicsservice.civilmatters@law.njoag.gov)  
27          14. The 12<sup>th</sup> Defendant is Hon. Judge Chandra Coleman of Essex County Superior Court Special Remand  
28          who is responsible presiding over triable offenses within the State of New Jersey within Essex County

1 and whose contact details are as follows: **Physical Address:** 50 West Market Street Floor 5 Newark,  
2 New Jersey 07102 **Telephone Number:** (973)-776-9630 **Email Address:**  
3 njag.electronicsservice.civilmatters@law.njoag.gov  
4

5 **JURISDICTION**

6 15. This Court matter was moved to this Court by motion of Defendants on July 10, 2024. This Court  
7 has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a)(3) as this  
8 action arises under the Constitution and laws of the United States, specifically 42 U.S.C. § 1983.  
9 Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because the events giving rise to  
10 the claims occurred in this district.  
11

12 16. In addition to the above below are some of relevant facts out of which the Plaintiff's complaint  
13 arises:  
14

15 **STATEMENT OF FACTUAL INFORMATION**

- 16 1. October 6, 2022 Francyna Evins amends the Essex County Temporary restraining order to  
17 include allegations that the Plaintiff had filed false reports with New Jersey DCYPP accusing  
18 her of child abuse.
- 19 2. On December 1, 2022, Final restraining order FV-07-3579-22 was entered in favor of the  
20 plaintiff ordering FRANCYNA EVINS to refrain from contact with the plaintiff and his infant  
21 child DIOR SMITH for the remainder of her life. Additionally Judge Jousha Sanders further  
22 imposed a 1000 ft stay away as the Judge felt the restraining order itself would not be enough to  
23 stop FRANCYNA EVINS from continuing her pursuit of the Plaintiff.
- 24 3. On December 5, 2022, FRANCYNA EVINS who was a resident of Staten Island New York  
25 took the dismissed allegation from Essex Family Court Family Part and filed criminal charges  
26 of false reporting against the plaintiff. In this report she claimed contact from the Plaintiff  
27 where allegedly the Plaintiff stated: "If I cannot have you then no one can". Without any  
28

1 evidence of this and using connections within Staten Island, New York an investigative card  
2 was issued within forty-eight (48) hours ordering the detention of plaintiff for questioning.

3 4. December 8, 2022, FRANCYNA EVINS used the NYPD complaint filed December 5, 2022, to  
4 travel back into the State of New Jersey, the borough of Carteret within Middlesex County.  
5 FRANCYNA EVINS filed the same charges from New York City within the borough of  
6 Carteret at the local police station again alleging Harassment and false reports. The 6<sup>th</sup>  
7 defendant Francyna Evins reported these allegations to a Carteret PD Officer Defelice on  
8 12/8/2022 which is recorded via the officer's body camera. In this footage, Francyna Evins  
9 states clearly that she traveled into Carteret from Staten Island, NY to file harassment and false  
10 reporting charges against the plaintiff despite having recently be issued a restraining order  
11 against her in favor of the plaintiff. Officer Defelice took this report and aided Francyna Evins  
12 in filing criminal municipal charges against the plaintiff despite knowing the 6<sup>th</sup> defendant had  
13 been found liable for harassment days before this complaint and not residing within the borough  
14 of Carteret but residing within Staten Island NY which PO Defelice states within the footage.

15 5. On January 10, 2023, the plaintiff received a call from attorney Amina James, ESQ requesting  
16 he dismiss both the recent final restraining order and the Essex County criminal charges in  
17 exchange FRANCYNA EVINS would dismiss the new charges she had filed against him  
18 attempting to intimidate the Plaintiff with the new litigation. This attorney stated clearly to the  
19 plaintiff that she did not represent Francyna Evins and was considering representing Francyna  
20 to mediate the matter between the plaintiff and Francyna Evins. The Plaintiff refused to dismiss  
21 the Essex County Final Restraining Order advising the attorney that Francyna Evins had  
22 maliciously pursued him for over a year obsessed with vengeance and further advised the  
23 attorney who was from NYC to contact the Essex County Prosecutors as the plaintiff believed  
24 Francyna Evins had not been truthful with the attorney. The attorney agreed to do so and ended  
25 the call asking to return contact with the plaintiff after she investigated the matter further.

26 6. On January 13, 2023, NYS Family Court Attorney Ian Berliner and Essex County Prosecutor  
27 Steven Postnik both contact attorney Amina James ordering her to refrain from contacting the  
28 plaintiff again. In Text message conversation the attorney Amina Jones admits to deception by

1 FRANCYNA EVINS and advises the plaintiff to do what is necessary to deter FRANCYNA  
2 EVINS from future attempts at intimidating the plaintiff.

3 7. January 17, 2023, the Plaintiff reported to the Carteret Police regarding several issues reported  
4 within investigative report I-2023-002596. The first was the police department's refusal to  
5 document the named defendant of states restraining order FV-07-003579-22 Francyna Evins  
6 being outside the home of the plaintiff on December 8, 2022. Officer DeFelice responded and  
7 instructed the plaintiff that he needed to provide video to be "credible" to the police of Carteret  
8 despite being the "protected party" of a state restraining order.

9 8. The 2<sup>nd</sup> incident was the plaintiff being contacted by an attorney who was not the legal  
10 representative of Francyna Evins, Amina James. This attorney was a friend of Francyna Evins  
11 who contacted the plaintiff requesting he dismiss the active Essex County criminal charges  
12 against Francyna Evins or Francyna Evins would file complaints against him.

13 9. The plaintiff provided text messages between himself and Amina James where it was admitted  
14 that Francyna Evins had erroneously reported information to this attorney, so the attorney was  
15 then refusing to assist Francyna Evins in the matter in any capacity, the plaintiff was then  
16 advised to go the police.

17 10. Officer DeFelice erroneously and intentionally falsified the plaintiffs' statements to Judge Allen  
18 Cumba falsely stating that Amina James was the attorney for Francyna Evins when the text  
19 itself stated she had NEVER been. Officer DeFelice in his written report stated that the  
20 "Attorney Amina James contacted Clayton Howard and informed him she would not be  
21 representing Francyna Evins" which Officer Defelice intentionally falsely documented.

22 11. The Essex County Prosecutor Steven Posternik contacted Amina James and informed her she  
23 could not contact a witness and advised her as she was not the counsel for Francyna Evins she  
24 was forbidden to do so.

25 12. Ian Berlinger, the attorney for Clayton Howard also contacted Amina James who also informed  
26 him that she was not the attorney for Francyna Evins, but a friend trying to help her which was  
27 reported to PO Defelice.  
28

1 13. February 2023 FRANCYNIA EVINS was indicted by an Essex County Grand Jury on criminal  
2 charges from the May 8, 2022, complaints of the Plaintiff.

3 14. Between January 2023 throughout May 2024 FRANCYNIA EVINS began a cyber campaign of  
4 harassment and intimidation where she continued to accuse the plaintiff of physical abuse and  
5 harassment. The continued harassment caused the plaintiff emotional distress and loss of his  
6 employment for the 1<sup>st</sup> of several times. In addition,

7 15. February 2023 the plaintiff was called before the Carteret Municipal Court to answer  
8 allegations filed by the Francyna Evins of false reporting within the Borough of Carteret for the  
9 Municipal Complaint filed December 8, 2022. Prosecutor Patrick Wallmack of the Middlesex  
10 County Prosecutor's Office off assigned to prosecute the plaintiff for the allegations filed by  
11 Francyna Evins.

12 16. Sometime in March 2023 2<sup>nd</sup> Defendant Jenna Ventola was assigned to prosecute the actions of  
13 Francyna Evins. In late March the plaintiff contacted the 2<sup>nd</sup> Defendant where he and attorneys  
14 explained the continued criminal actions of Francyna Evins.

15 17. March through June of 2023, Honorable Judge Allen Cumba of the Carteret Municipal Court  
16 instructed both the plaintiff and the 4<sup>th</sup> defendant to submit written timelines and discovery  
17 detailing the events which transpired after the decision of the Essex County Superior Court  
18 Family Part, which was from December 1, 2022, until March 2023

19 18. The plaintiff submitted copies of NYPD incident reports filed four (4) days after the Essex  
20 Family decision, December 1, 2022 providing the court with solid discovery of the previous  
21 duplicate report filed within the State of New York three (3) days before the 4<sup>th</sup> defendant filed  
22 the same allegations within the Borough of Carteret alleging the same offenses against the  
23 plaintiff.

24 19. The plaintiff also provided a copy of the certified transcript of the trial decision from December  
25 1, 2022, providing the Carteret Court and 11<sup>th</sup> Defendant Judge Allen Cumba with exactly what  
26 was stated by the trial Judge within the Essex Family trial of the 4<sup>th</sup> defendant and included a  
27 certified copy of the dismissal of the 4<sup>th</sup> defendant cross complaint against the plaintiff.  
28

1           20. The plaintiff provided this timeline within verifiable discovery while the 4<sup>th</sup> defendant only  
2           provided a statement with allegations that could not be verified. The 4<sup>th</sup> defendant Francyna  
3           Evins provided no reports filed by the plaintiff after the restraining order was granted to verify  
4           the allegations of litigation abuse, nor was any evidence provided to support any acts of  
5           harassment committed by the plaintiff against 4<sup>th</sup> defendant Francyna Evins.

6           21. The 4<sup>th</sup> defendant, Francyna Evins, provided nothing to support her claims against the plaintiff.  
7           Despite the verifiable discovery of the plaintiff and the lack thereof submitted by the 4<sup>th</sup>  
8           defendant Francyna Evins the Carteret Court never spoke of the timeline again and continued  
9           forward with the prosecution of the defendant refusing to hold the 4<sup>th</sup> defendant accountable for  
10          any criminal conduct.

11          22. April 2023 the Carteret Court proceeded with the complaint of the plaintiff after repeated  
12          complaints to the Middlesex County Prosecutor's Office had been filed. Despite submitting a  
13          copy of the certified transcript from the Essex County Family trial of the defendant which stated  
14          in the words of the court detailing the allegations filed within Middlesex County had been  
15          addressed within the Essex Family Court trial

16          23. Carteret Court transferred the complaint filed by the Plaintiff back to Essex County Family  
17          Court stating the restraining order was not valid within Middlesex County therefore the court  
18          lacked jurisdiction. The plaintiff, however, was forced to continue as a defendant despite the  
19          court having direct evidence violating the plaintiffs' protections against double jeopardy.

20          24. September 9, 2023, Attorney John Rapaway of the Plaintiff attempted contact with the 2<sup>nd</sup>  
21          defendant Jenna Venola requesting assistance with the Richmond County District Attorney  
22          office who has been prosecuting the plaintiff for months regarding the retaliatory complaints  
23          filed by Francyna Evins. Despite promises of compliance with the Richmond County District  
24          Attorney, the 2<sup>nd</sup> defendant never contacted the office and ignored all requests for assistance by  
25          both attorney Rapaway and the plaintiff. Ultimately the plaintiff was able to submit the trial  
26          transcripts from the Essex Family Decision and obtain a copy of the criminal indictment of  
27          Francyna Evins which was submitted to Chief of Criminal Court operations: Darren Albansese  
28

1 of the Richmond County District Attorney's Office. On October 30, 2023, all charges were  
2 dismissed and immediately sealed within Richmond County New York against the Plaintiff.

3 25. Sometime in October of 2023 Francyna Evins obtained a public records transcript of another  
4 individual with the same name as the Plaintiff which she began altering and using within  
5 Family Court petitions claiming the Plaintiff was diagnosed with "Schizophrenia" and had  
6 hidden this from the court. Francyna Evins filed a motion pursuant to Carfagno v Carfagno  
7 attempting to have the final order dismissed with these altered records and making claims of  
8 "Litigation abuse" against the plaintiff. The Plaintiff was brought back before the Essex Family  
9 Court before Judge Amy Manigan to answer these allegations.

10 26. The plaintiff informed the office of the 1<sup>st</sup> and 2<sup>nd</sup> defendant Jenna Ventola via email about the  
11 continued harassment and intimidation propagated by Francyna Evin against the plaintiff and  
12 yet no assistance was provided to the plaintiff by these defendants as required by the law. These  
13 defendants refused to provide the plaintiff with any protection as is mandated by the Rights of  
14 Crime Victims and Witnesses Act or enforce its own state protected order obtained against the  
15 4<sup>th</sup> defendant who was the listed criminal defendant within an active county criminal  
16 prosecution were the plaintiff was the listed victim of record.

17 27. During a period of more than one (1) year the plaintiff made numerous complaints against  
18 Francyna Evins and made countless follow-ups with the Office of the 1<sup>st</sup> defendant and its  
19 agents, 2<sup>nd</sup> Defendant Jenna Ventola, but no action was taken.

20 28. For instance, the Plaintiff sent an email to the Defendant on May 10, 2023, at 1:38 PM to one  
21 Jenna Ventola humbly asking her to reach out after his previous communications to the  
22 Defendant were ignored.

23 29. The Plaintiff followed up the foregoing with another email on May 11, 2023 at 2:49 PM to the  
24 said Jenna Ventola which verbatim read: "*I have begged for help from yourself and Valentina*  
25 *Griossre. Speaking with Valentina yesterday I finally understand that you guys will really not be*  
26 *helping me and this isn't a serious matter to her. "*

27 30. In the Plaintiffs' email sent on June 25, 2023, at 3:59 PM to Jenna Ventola&. Valentina Grossori  
28 the two prosecutors in the office of the Defendant assigned to handle the Plaintiff's complaints, he

1           decied the fact he had been unfairly treated by the Defendants and his aggressor Francyna Evins  
2           has been allowed to continue her menacing & harassment despite losing a trial and being  
3           indicted.

4           31. In yet another email sent on July 7, 2023, at 1:37 PM to Jenna Ventola the Plaintiff sought  
5           assistance with regard to the harassment and stalking meted on him by Francyna Evins who had  
6           lied to police and the Plaintiff was arrested as a result. In the same email the Plaintiff states thus:  
7           *"I am still awaiting action and not to be deferred anymore. You were to call me back a few times*  
8           *and didn't. I ask that you do so today. "*

9           32. February 2, 2024, plaintiff reports to Carteret PD within Middlesex County to provide  
10          documentation to Officer Jonathan Defelice.

11          33. Plaintiff provides copies of the Final Restraining Order granted 12/1/2022; a copy of the NYPD  
12          domestic violence criminal incident report filed 12/5/2022; a copy of the 12/8/2022 Carteret  
13          Incident report taken by PO Defelice where 4<sup>th</sup> defendant Francyna Evins erroneously reported  
14          that the plaintiff had filed false charges within Essex County against her; a copy of the dismissal  
15          of the NYPD criminal prosecution for the 12/5/2022 NYPD incident report filed by 4<sup>th</sup> defendant;  
16          a copy of the 12/1/2022 dismissal of the allegations filed within Essex County by the 4<sup>th</sup>  
17          defendant and several violations filed within days of the loss of the Essex Family part trial  
18          decision against 4<sup>th</sup> defendant Francyna Evins.

19          34. Plaintiff informed PO Defelice that 4<sup>th</sup> defendant had been criminally charged in Essex County  
20          6/13/2022; that an Essex County Temporary Restraining Order had been issued against her on  
21          6/22/2022; that on July 8, 2022 6<sup>th</sup> defendant filed an Essex Family Part Temporary Restraining  
22          Order against the Plaintiff and several Police complaints after Essex Family Part commanded her  
23          to return stolen property to the Plaintiff; Plaintiff provided the Order from Essex Family Part  
24          dated 7/8/2022 to verify his statements.

25          35. On February 13, 2024, at 8:00 AM the Plaintiff sent an email to the Defendant officers which  
26          read:

27          *"Been fighting for my rights to get my daughter back for 2 years because of that message I gave*  
28          *you from July 8, 2022, when Francyna contacted my child's mother. This was sent to me today.*

1           *This is her mocking my loss of my child and still with the Dog! When will you see something is*  
2           *wrong with this woman? What will it take to convince your office of the danger this woman*  
3           *really is. She keeps losing the cases she's putting against me and when she runs out of options*  
4           *she becomes judge -jury and executioner. I deserve some peace. I was a great father, at one*  
5           *point also taken from me because my ex-girlfriend wanted my Dog. What do I need to do More*  
6           *to get the protection someone deemed more deserving would be granted. New Jersey has the*  
7           *toughest cyberbullying laws in the country, I have a final order of protection under NJ*  
8           *prevention of DV. I'm supposedly protected from intimidation and harassment, yet my offender*  
9           *can wage an unchecked campaign of social harassment and slander? Why does it seem*  
10          *that there is no one who can stop Francyna Evins? No sarcasm but what am I*  
11          *missing? Please someone help me understand as I'm at my wits end on how this*  
12          *might stop. "*

13          36. The above instances where the plaintiff has reached out to the office of the 1<sup>st</sup> Defendant and 2<sup>nd</sup>  
14          Defendant and was ignored are not exhaustive and the plaintiff shall at the opportune time during  
15          trial produce more emails in support of his case.

16          37. January 2023 the Plaintiff contacted 2<sup>nd</sup> Defendant Jenna Ventola requesting information about  
17          additional criminal complaints the plaintiff had filed and prosecutions which had been  
18          “Upgraded” from Newark Municipal Court to the Newark Superior Court. In an email which the  
19          plaintiff the 3<sup>rd</sup> Defendant Jenna Ventola erroneously claims that there were no complaints and  
20          denied any additional complaints being “Upgraded” from Newark Municipal to Essex Superior.

21          38. March 21, 2024, Plaintiff reported to the Carteret PD who is the 6<sup>th</sup> defendant herein and spoke to  
22          PO Jogn Gozzolino documented within complaint I-2024-011638. Plaintiff reported the contact  
23          of 6<sup>th</sup> defendant to the mother of his child attempting to both visit his only child who is a named  
24          party within final restraining order FV-07-003579-22. Plaintiff also reported that 4<sup>th</sup> defendant  
25          was attempting to interfere with the visitation proceeding with his child and contacting the  
26          mother to affect a negative result between the two parties. The plaintiff provided text  
27          conversations between the mother of his child and himself also conversations between the 6<sup>th</sup>  
28          defendant and the mother of his child asking to see the child which is forbidden by the active

1 order of protection. PO Gozzolino reported this to Judge Allen Cumba who biased towards the  
2 plaintiff denied the plaintiff's complaint and refused to violate the 4<sup>th</sup> defendant. This further  
3 supports the continued bias and discrimination within Carteret law enforcement against the  
4 plaintiff despite valid verifiable discovery to support probable cause.

5 39. The Plaintiff made attempts to notify the prosecutors of Essex County by email and the trial  
6 Judge of his wish to be heard before the court during March 22, 2024 throughout March 30, 2024.

7 40. On or about March 26, 2024, the 5<sup>th</sup> defendant Cynthia Hardaway Esq, appointed counsel to  
8 Francyna Evins emailed notice to the following agents of the Essex County Criminal Justice  
9 System which included several officers of the 1<sup>st</sup> defendant: Romesh Suduki, Justin Edwab,  
10 Jenna Ventola and Maryna Peres-Drace; it also included trial Judge Chandra Colemans  
11 Chambers, Special Remand Court and the Essex County Sheriff's.

12 41. In this email the 5<sup>th</sup> defendant Cynthia Hardaway distributed false information created by the 4<sup>th</sup>  
13 defendant Francyna Evins who had altered a public document obtained online to make it appear  
14 as though the plaintiff had a mental illness as stated above.

15 42. 5<sup>th</sup> defendant Cythnia Hardaway submitted another email with a Link to a YouTube Channel  
16 named @43yearoldbully "Cop Caller Clay" which she claimed had been created by the Plaintiff  
17 and used to threaten the 2<sup>nd</sup> Defendant Jenna Ventola.

18 43. The social media profile was created by 4<sup>th</sup> defendant Francyna Evins and intended for use to  
19 create bias and discrimination against the victim and plaintiff of this action.

20 44. The office of the 1<sup>st</sup> Defendant and its officers, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants all in violation to Rules of  
21 Professional Standard 8.4 used this information to discriminate against the plaintiff and barred the  
22 plaintiff from the office of the 1<sup>st</sup> defendant which included the remainder of the trial of State of  
23 New Jersey v Francyna Evins refusing to grant him the right to be heard. This was also done by  
24 the Trial Judge Shandra Cole.

25 45. April 14, 2024, Plaintiff filed complaint with PO Michael Kazio, an officer of the 6<sup>th</sup> defendant  
26 the Carteret Police Department regarding the continued cyber harassment of 4<sup>th</sup> defendant  
27 Francyna Evins. Plaintiff produced evidence of public records altering and fraud where 4<sup>th</sup>  
28

1 defendant altered a public court transcript so that it would appear the plaintiff was the party  
2 within this transcript who admitted to being a diagnosed Schizophrenic.

3 46. Plaintiff provided screenshots of a “YouTube” channel created and controlled by the 4<sup>th</sup>  
4 defendant where using Artificial Editing technology the 4<sup>th</sup> defendant created over 300 videos  
5 where she altered the Plaintiffs voice and content in the hopes to further present the plaintiff as  
6 being deranged and violent towards her.

7 47. Plaintiff provided recent contact where the 4<sup>th</sup> defendant had electronically contact him via  
8 Facebook and evidence that the 4<sup>th</sup> defendant had been attempting contact with his infant child  
9 who is a named party within the final order FV-07-3579-22. Judge

10 48. Allen Cumba denied a contempt charge but referred it for investigation within the Carteret PD.  
11 Detective Anthony Nacco investigated the information of the plaintiff by subpoenaing the record  
12 of both YouTube and Verizon where it was determined that Francyna Evins did own and control  
13 the YouTube channel being used to defame and harass the Plaintiff.

14 49. Despite this information Judge Allen Cumbia still refused to issue a warrant for the continued  
15 harassment of 4<sup>th</sup> defendant Francyna Evins being committed against the plaintiff. This incident  
16 further supports the discrimination of the Carteret Police and Court to act against the 4<sup>th</sup>  
17 defendant for any of the criminal actions committed even those which are new offenses like  
18 public records from which is a criminal offense within the State of New Jersey.

19 50. May 15, 2024, Plaintiff called the 6<sup>th</sup> defendant herein, Carteret PD and requested an officer come  
20 to his home at 24 Orchard Street. Detective Megan Magalski responded and was informed by the  
21 plaintiff of contact from a producer of the TV show “Divorce Court” who had contacted the  
22 plaintiff on behalf of 4<sup>th</sup> defendant Francyna Evins requesting he appear on the show.

23 51. In the presence of Detective Magalski this Producer: Kerri Burton stated that Francyna Evins had  
24 contacted the show requesting the show contact the plaintiff on her behalf which is a violation  
25 and 3<sup>rd</sup> party contact initiated by the 6<sup>th</sup> defendant.

26 52. The producer has also emailed the plaintiff which was shown to Detective Magalski. The  
27 producer offered the plaintiff \$300 all heard by Detective Magalaski who reported this all to  
28 Judge Allen Cumba upon her return to the Station.

53. Judge Allen Cumba, refused to violate 4<sup>th</sup> defendant Francyna Evins and dismissed the matter as not a violation to the active NO-Contact restraining order in effect against the Plaintiff. This incident supports the continued bias and discrimination of the Carteret Court against the plaintiff in favor of the 6<sup>th</sup> defendant. The incident was documented as complaint I-2024-016631

54. May 20, 2024, plaintiff contacted the 5<sup>th</sup> defendant Cynthia Hardaway requesting in writing the removal and correction of the falsified information submitted to the Essex County Judicial System on March 26, 2024.

55. 5<sup>th</sup> Defendant Cynthia Hardway refused to retract the falsified information submitted and further used it to represent 4<sup>th</sup> defendant in the Essex Family Part Carfagno reconsideration filed by the 4<sup>th</sup> defendant Francyna Evins. 5<sup>th</sup> defendant Cynthia Hardway hoped to use the falsified information from the trial court with the Family Part reconsideration against the plaintiff despite knowledge that the information submitted was false.

56. March 27, 2024, 3<sup>rd</sup> Defendant Jenna Ventola used the falsified information submitted by the 5<sup>th</sup> defendant Cynthia Hardaway to bring an action against the plaintiff who was still the active listed victim of the State of New Jersey v Francyna Evins before Essex Family court for violations to the VASPA Act claiming Cyber Harassment for the content created by Francyna Evins.

57. 2<sup>nd</sup> Defendant Jenna Ventola during the VSAPA trial in May of 2024 made numerous erroneous statements which will be detailed at trial falsifying information from the trial of Francyna Evins to use in her argument support her claims of physical fear of the Plaintiff.

58. There remain numerous complaints against the 4<sup>th</sup> Defendant Francyna Evins within Essex County and Middlesex Count all unprosecuted by the 1<sup>st</sup> and 6<sup>th</sup> defendants as agencies which include the 2<sup>nd</sup> , 3<sup>rd</sup> , 7<sup>th</sup> , 8<sup>th</sup> , 9<sup>th</sup> 10<sup>th</sup> , 11<sup>th</sup> and 12<sup>th</sup> defendants due to civil litigation, internal affairs complaints and grievances filed by the Plaintiff further violating his civil rights and Fourteenth Amendment Protections.

59.

**COUNT I. THE NEW JERSEY CIVIL RIGHTS ACT N.J.S.A. 10:6-2**

1 60. New Jersey Revised Statutes Title 10 – Civil Rights Section 10:6-2 states that “Any person who  
2 acting under “color of law” has deprived another person of any substantive due process or equal  
3 protection rights, privileges or immunities secured by the Constitution or laws of the United States,  
4 or any substantive rights, privileges or immunities secured by the Constitution or laws of this State,  
5 the deprived party may bring a civil action for damages and for injunctive or other appropriate relief

6 61. Plaintiff alleges that Defendants, through their own policies, practices, and customs, did violate  
7 Plaintiff's rights in violation of the New Jersey Civil Rights Act, N.J.S.A. 10:6-2. The plaintiff brings  
8 this complaint before the court alleging violations committed against him by the following  
9 defendants who acting “under color of law” did intentionally violate his privileges, protected rights  
10 and immunities granted by statute and the Constitution of the State of New Jersey.

11 62. The defendants include: (1) 2<sup>nd</sup> Defendant Jenna Ventola, (2) 3<sup>rd</sup> Defendant “John Doe, (3) 6<sup>th</sup>  
12 Defendant Carteret Police Department, which include 7<sup>th</sup> Defendant Johnathan Defelice, 8<sup>th</sup>  
13 Defendant Police officer Torobino, and 9<sup>th</sup> Defendant Sergeant Jason Hanes, (4) 10<sup>th</sup> Defendant,  
14 Municipal Prosecutor Patrick Wallmack and (5) 11<sup>th</sup> Defendant Judge Allen Cumba and (6) 12<sup>th</sup>  
15 Defendant Hon Judge Chandra Coleman. As detailed herein, these defendants did intentionally deny  
16 the plaintiff protective rights awarded by the Superior Court of New Jersey, and immunities granted  
17 by New Jersey Revised Statutes Title 9.

18 63. The NJCRA is modeled after the federal Civil Rights Act, 42 U.S.C. § 1983, and provides a state  
19 remedy for the deprivation or interference with civil rights secured under the New Jersey  
20 Constitution and laws, as well as federal rights Hardy v. Jackson, 476 N.J. Super. 394, Harris v. City  
21 of Newark, 250 N.J. 294, Greenman v. City of Hackensack, 486 F. Supp. 3d 811. The statute states  
22 that any person who has been deprived of substantive rights, privileges or immunities secured by the  
23 Constitution or laws of this State, or whose exercise or enjoyment of those substantive rights,  
24 privileges or immunities has been interfered with or attempted to be interfered with, by threats,  
25 intimidation or coercion by a person acting under color of law, may bring a civil action for damages  
26 and for injunctive or other appropriate relief. Federal courts have consistently interpreted NJCRA  
27 claims analogously to § 1983 claims, meaning that the legal principles and elements required to  
28 establish a claim under NJCRA are like those under § 1983 Dickerson v. Wallkill Valley Reg'l High

Sch. Bd. of Educ., 2020 U.S., Tucker v. State Dep't of Corr., 2018 U.S. Dist., Grant v. Slattery, 2022 U.S. Dist.

64. The New Jersey Civil Rights Act (NJCR) similarly offers a state law remedy for such violations, ensuring that individuals are protected from threats, intimidation, or coercion by those acting “under color of law” Griffin v. City of Newark, 2021 U.S., Castro v. New Jersey, 521 F. Supp. 3d 509. The plaintiff alleges that Defendants violated this statute when through coercion, threats and intimidation they denied him protection and process entitled to the Plaintiff and mandated by language of state law statute specifically the New Jersey Prevention of Domestic Violence act and the Crime Victim and Witness Act which both provide rights to the Plaintiff who is a victim of Domestic Violence and a Witness/Victim of a crime in accordance with state law.

65. Plaintiff incorporates by reference all preceding paragraphs within the “Statement of Facts” as is fully set forth herein as substance to the allegations regarding the civil rights violations against the Plaintiff.

66. The Plaintiff as defined by Title VII of the Civil Rights Act of 1964 is a member of a protected class and this is supported by established case law regarding the rights of African American males being such.

67. As a direct and proximate result of Defendants' actions, Plaintiff has suffered damages, including but not limited to emotional distress, malicious prosecution, financial loss and other compensatory damages.

68. Despite an extensive history of continued acts of harassment during the active prosecution of his offender who is the 4<sup>th</sup> Defendant, the 2<sup>nd</sup> defendant intentionally neglected all additional criminal acts committed by the 4<sup>th</sup> defendant to deny the Plaintiff the protections and rights awarded to him by the Superior Court of New Jersey.

69. Discovery will support allegations against the 2<sup>nd</sup> Defendant Jenna Ventola, and how 2<sup>nd</sup> Defendant did intentionally and maliciously provide the Plaintiff with false information on numerous occasions to misled and deter the Plaintiff from seeking assistance or protections granted to him by the Superior Court of New Jersey which protected the Plaintiff from acts of harassment committed by the 4<sup>th</sup> Defendant, Francyna Evins.

1 70. The 2<sup>nd</sup> Defendant Jenna Ventola did intentionally deny the Plaintiff these rights and protections  
2 knowing he was being discriminated against by law enforcement due to his status as an African  
3 American male. 2<sup>nd</sup> Defendant intentionally ignored discovery validating that 4<sup>th</sup> Defendant Francyna  
4 Evins, was abusing the judicial process taking dismissed allegations from within Essex County  
5 Superior into various other municipalities creating new criminal allegations against the Plaintiff after  
6 the allegations were dismissed in the Plaintiffs favor.

7 71. These new criminal cases created by the 4<sup>th</sup> Defendant were used by the 4<sup>th</sup> defendant and  
8 coconspirators to harass and attempt to force the Plaintiff to drop the active final restraining order  
9 and the criminal accusations against the 4<sup>th</sup> Defendant. 2<sup>nd</sup> Defendant was advised by the legal  
10 counsel of the Plaintiff, whom the 2<sup>nd</sup> Defendant requested contact with during the criminal  
11 prosecution in order to be kept informed of what was happening in those criminal prosecutions.

12 72. The Rights of Crime Victims and Witness Act (N.J.S.A. § 52:4B-36)(c) states that a victim/witness  
13 is: To be free from intimidation, harassment or abuse by any person including the defendant or any  
14 other person acting in support of or on behalf of the defendant, due to the involvement of the victim  
15 or witness in the criminal justice process.

16 73. 2<sup>nd</sup> Defendant Jenna Ventola possessed a responsibility to protect victims and witnesses yet allowed  
17 a criminal defendant (4<sup>th</sup> Defendant Francyna Evins) to commit numerous acts of harassment and  
18 witness intimidation against the plaintiff who was the state's victim/witness as defined by the above  
19 statute. These acts are supported by email communications and attorney affidavits; witnesses who  
20 were present during the 1<sup>st</sup> day of the trial of the 4<sup>th</sup> Defendant Francyna Evins, and the attorney from  
21 New York State who will testify that attempts were made to notify the 2<sup>nd</sup> Defendant of the danger  
22 faced by the Plaintiff from the 4<sup>th</sup> Defendant, her family and associates.

23 74. 2<sup>nd</sup> Defendant did seek to deny the Plaintiff protections granted by the State of New Jersey  
24 Constitutions and State Law. 2<sup>nd</sup> Defendant refused to grant the Plaintiff any protection as the victim  
25 against 4<sup>th</sup> Defendant Francyna Evins, intentionally allowing harassment that included significant  
26 acts of cyber harassment, false swearing, litigation abuse and fraud; and maliciously ignoring the acts  
27 of intimidation committed against the Plaintiff during the entire time period of the prosecution of 4<sup>th</sup>  
28 Defendant Francyna Evins.

1 75. 4<sup>th</sup> Defendant Francyna Evins and 5<sup>th</sup> Defendant Cynthia Hardaway provided falsified information to  
2 the 2<sup>nd</sup> Defendant Jenna Ventola, 1<sup>st</sup> Defendant Essex County Prosecutors Office, 12<sup>th</sup> Defendant  
3 Hon. Judge Chandra Coleman and other county law enforcement officials making claims that the  
4 Plaintiff was mentally ill and received Social Security Insurance (SSI) for his mental disability.  
5 Included in this falsified communication were claims that the Plaintiff had made threats of physical  
6 violence against the 2<sup>nd</sup> Defendant Jenna Ventola.

7 76. Despite having investigated the Plaintiff, and a determination being made Essex County Prosecutor  
8 Investigators that the Plaintiff did not own or control the social media account sent the 2<sup>nd</sup> Defendant  
9 Jenna Ventola, by 5<sup>th</sup> Defendant Cynthia Hardaway, the 2<sup>nd</sup> Defendant did use the fabricated  
10 information to obtain a restraining order against the Plaintiff which barred the Plaintiff from the  
11 place of work of the 2<sup>nd</sup> Defendant which is the Essex County Prosecutors Office and the trial court  
12 of the 4<sup>th</sup> Defendant.

13 77. The Plaintiff was never contacted by the 2<sup>nd</sup> or 3<sup>rd</sup> Defendant as the victim, which violated his rights  
14 in accordance with state law. New Jersey Statue relating to Crime Victims and Witnesses (N.J.S.A. §  
15 52:4B-34 to -38) mandates the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants to keep the victim informed during all stages of  
16 the prosecution of a defendant, yet the Plaintiff was denied this right due to a court order that was  
17 obtained by the 2<sup>nd</sup> Defendant, who used falsified information submitted against the Plaintiff to  
18 obtain and restraining order barring the Plaintiff from the 2<sup>nd</sup> Defendants place of work.

19 78. The 2<sup>nd</sup> and 3<sup>rd</sup> defendants will claim 11<sup>th</sup> Amendment absolute immunity for acts committed as the  
20 prosecutor. The Plaintiff states that the 2<sup>nd</sup> and 3<sup>rd</sup> defendants are not entitled "absolute immunity"  
21 for the actions committed as investigators and/or administrators or further personally taken against  
22 the plaintiff using falsified information from an active state prosecution which barred the Plaintiff  
23 from the place of work of the 2<sup>nd</sup> Defendant.

24 79. 2<sup>nd</sup> Defendant Jenna Ventola did use falsified discovery obtained after being contacted via email by  
25 the 5<sup>th</sup> Defendant Cynthia Hardaway to petition the Essex County Superior Court Chancery Division  
26 for a protection order pursuant to the Victim Survivor and Protection Act (VSPA) which barred the  
27 Plaintiff from the place or work or any location of the 2<sup>nd</sup> Defendant. 2<sup>nd</sup> Defendant was the acting  
28 prosecutor for the 4<sup>th</sup> Defendant, and the 1<sup>st</sup> Defendant and 3<sup>rd</sup> Defendants having failed to contact

1 the Plaintiff allowed the Plaintiff to believe that the 2<sup>nd</sup> Defendant was still the acting prosecutor after  
2 March 20, 2024. No attempts were made to inform the Plaintiff that 2<sup>nd</sup> Defendant would not be  
3 present and therefore the Plaintiff could attend the trial of his offender. This was done intentionally  
4 by 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants as part of the conspiracy to misinform the Plaintiff and create a barrier  
5 which would deter that Plaintiff from appearing at the courthouse.

6 80. The New Jersey Supreme Court in *Cashen v. Spann* emphasized that prosecutors and their assistants  
7 are charged with the obligation to act in due accordance with the law in the discharge of their public  
8 duties. They are presumed to act legally, but if it is proven that they acted in excess of their official  
9 duty for personal reasons, they can be held civilly liable for such acts *Cashen v. Spann*, 66 N.J. 541.  
10 This principle reinforces that any deviation from their official duties for personal reasons, including  
11 withholding evidence, is not permissible

12 81. New Jersey statutes provide victims of domestic violence with certain rights to be heard in court  
13 proceedings involving the defendant. N.J. Stat. § 2C:25-29 outlines the procedures and reliefs  
14 available in domestic violence cases, ensuring that victims are protected, and their voices are heard.  
15 Victims of domestic violence in New Jersey have statutory and constitutional rights to be heard in  
16 court proceedings involving the defendant, including trials where the defendant is being prosecuted  
17 for offenses against the victim.

18 82. The New Jersey Constitution, Article I, Paragraph 22, ensures that victims of crimes are treated with  
19 fairness, compassion, and respect by the criminal justice system. It grants victims the right to be  
20 present at public judicial proceedings, except when sequestered according to law N.J. Const., Art. I,  
21 Para. 22, Rights of crime victims.

22 83. During the trial of the 4<sup>th</sup> Defendant, The Judge Hon Chandra Coleman did openly deny the plaintiffs  
23 status as the victim within the domestic violence final restraining order between the Plaintiff and the  
24 4<sup>th</sup> Defendant Francyna Evins. 2<sup>nd</sup> Defendant being the prosecutor knew that the Plaintiff was the  
25 legally documented victim as regarded by The New Jersey Prevention of Domestic Violence Act, but  
26 sought to intentionally deny this with the trial court to lesson the impact of harassment by the 4<sup>th</sup>  
27 Defendant Francyna Evins.

1 84. In the case of Sacharow v. Sacharow, the court emphasized that a person is not considered a victim  
2 of domestic violence unless a final restraining order has been entered with findings of fact and  
3 conclusions of law that an act of domestic violence occurred Sacharow v. Sacharow, 177 N.J. 62.

4 Therefore, if a final restraining order is in place, the individual is legally recognized as a victim  
5 85. In New Jersey, a victim named in a domestic violence final restraining order (FRO) is legally  
6 recognized as a victim of domestic violence. According to N.J. Stat. § 2C:25-19, a "victim of  
7 domestic violence" includes any person who is 18 years of age or older or who is an emancipated  
8 minor and who has been subjected to domestic violence by an adult or emancipated minor § 2C:25-  
9 19. Definitions. Therefore, if a state final restraining order has named an individual as the protected  
10 party, they are legally recognized as a victim of domestic violence.

11 86. A trial judge who denies the Plaintiff their status as a victim within a state final restraining order, and  
12 further states on the record that "they are not the victim," violates the victim's rights. The New Jersey  
13 Constitution, Art. I, Para. 22, ensures that a victim of a crime shall be treated with fairness,  
14 compassion, and respect by the criminal justice system and shall not be denied the right to be present  
15 at public judicial proceedings N.J. Const., Art. I, Para. 22, Rights of crime victims. Additionally, N.J.  
16 Stat. § 52:4B-36 outlines various rights for crime victims, including the right to be treated with  
17 dignity and compassion and to be free from intimidation, harassment, or abuse § 52:4B-36. Findings,  
18 declarations relative to rights of crime victims, witnesses.

19 87. 12<sup>th</sup> Defendant Hon Judge Chandra Coleman and prosecutors that include the 2<sup>nd</sup> Defendant Jenna  
20 Ventola and 3<sup>rd</sup> Defendant "John Doe" did deny the Plaintiff rights granted by the New Jersey  
21 Constitutional Rights and those rights granted by statute of law in the State of New Jersey.

22 88. In New Jersey, a judge addressing alleged misconduct by prosecutors or attorneys during a trial must  
23 follow specific procedures to ensure the defendant's right to a fair trial is protected and the victims  
24 right to justice is protected. If prosecutorial misconduct is alleged, the judge must assess whether the  
25 misconduct was so egregious that it deprived the defendant of a fair trial or denies justice to any  
26 party connected to the action. This involves considering whether defense counsel made timely  
27 objections, whether the offending remarks were withdrawn promptly, and whether the court gave  
28

curative instructions to the jury State v. Feaster, 156 N.J. 1, State v. Abdullah, 372 N.J. Super. 252, State v. Pressley, 232 N.J. 587.

89. Judges have a responsibility to take appropriate action if they receive reliable information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct. This includes informing the appropriate authority if the violation raises a substantial question as to the lawyer's honesty, trustworthiness, or fitness as a lawyer N.J. Court Rules, CJC Canon 3.15.

RESPONDING TO JUDICIAL AND LAWYER MISCONDUCT.

90. A defense attorney who introduces a fraudulent narrative and material evidence to prosecutors and the trial court that results in the victim being barred from a state prosecution are matters that required the trial judge to seek further clarification, yet no investigation was conducted by the 12<sup>th</sup> Defendant Hon Judge Chandra Coleman. This failure of Judicial process did result in the denial of the Plaintiffs rights to be heard and present within the trial of his offender who is the 4<sup>th</sup> defendant Francyna Evins.

Borough of Carteret

91. New Jersey Revised Statutes Title 9 - Children--Juvenile and Domestic Relations Courts Section 9:6-8.13 – Immunity states: "Anyone acting pursuant to this act in the making of a report under this act shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such person shall have the same immunity with respect to testimony given in any judicial proceeding resulting from such report."

92. 10<sup>th</sup> Defendant Patrick Wallmack, and 11<sup>th</sup> Defendant Judge Allen Cumba did deny the Plaintiff the immunity granted by the above statue when for a period exceeding eighteen (18) months, the Plaintiff was maliciously prosecuted for the reporting of the 4<sup>th</sup> Defendant Francyna Evins for the assault of his then infant Daughter Dior Smith, who is additionally a protected party within the active state final restraining order.

93. As stated above detailed within the summary of facts, 4<sup>th</sup> Defendant Francyna Evins did report the dismissed allegations of the Essex Superior Court Chancery Division to police in the borough of Carteret seven (7) days after the dismissal of her cross complaint against the Plaintiff.

94. 4<sup>th</sup> Defendant Francyna Evins did instruct 7<sup>th</sup> Defendant Jonathan Defelice that she was not a resident of Carteret, nor did she have any business in Middlesex County. 4<sup>th</sup> Defendant Francyna Evins did

1 instruct 7<sup>th</sup> Defendant Jonathan Defelice that her sole purpose was to have the Plaintiff charged  
2 despite there being an active restraining order against her and there having been a final restraining  
3 order granted to the plaintiff naming 4<sup>th</sup> defendant as the offender.

4 95. There existed no probable cause to support a false report allegation against the Plaintiff by 4<sup>th</sup>  
5 Defendant other than a letter from DCYPP stating the investigations conclusion was determined to be  
6 “unfounded”. Unfounded for purposes of the law does not mean the report filed was found to be  
7 false, which was known to both 10<sup>th</sup> Defendant Patrick Wallmack, and 11<sup>th</sup> Defendant Judge Allen  
8 Cumba.

9 96. Officials within the Carteret Police (6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> Defendants), Carteret Municipal Court (11<sup>th</sup>  
10 Defendant Judge Allen Cumba) and the prosecutor’s office (10<sup>th</sup> Defendant Patrick Wallmack) did  
11 work to deny the plaintiff protections granted after a final decision was determined naming 4<sup>th</sup>  
12 defendant Francyna Evins as the offender within a state final restraining order. Carteret Police,  
13 Carteret Court and Prosecutors did conspire with the 4<sup>th</sup> Defendant for a period of more than one (1)  
14 year seeking to deny the Plaintiff his protected rights and immunities becoming complicit in the acts  
15 of harassment of the 4<sup>th</sup> defendant Francyna Evins.

16 97. Carteret lacked jurisdiction over the matter reported by the 4<sup>th</sup> Defendant. The report was initially  
17 reported within the county of Essex, not Middlesex which was reported to both prosecutor Patrick  
18 Wallmack (10<sup>th</sup> Defendant) and Judge Allen Cumba (11<sup>th</sup> Defendant) by the defense for the Plaintiff  
19 during numerous court appearances. An Essex County final hearing transcript was additionally  
20 provided to substantiate the defense that the report was made within the county of Essex in addition  
21 to the amended TRO filed by the 4<sup>th</sup> Defendant Francyna Evins, which had been dismissed, were  
22 additional allegations were added 10/6/2022 claiming the Plaintiff had “falsely accused 4<sup>th</sup> defendant  
23 of abuse of his child”.

24 98. Borough of Carteret lacked jurisdiction to prosecute the Plaintiff resulting from N.J. Stat Title 9:6-  
25 8.13 the immunity statue and the county’s lack of jurisdiction.

26 99. 10<sup>th</sup> and 11<sup>th</sup> Defendant did deny the plaintiff privileges and immunities secured by state law in the  
27 prosecution of State v Clayton Howard, Municipal Summons # 1201-S-2022-00450 under which the  
28

Plaintiff was originally charged with 2C:28-4 - False reports to law enforcement authorities, but this was later amended to 2C:28-3 - Unsworn falsification to authorities.

100. The Plaintiff is entitled to appropriate relief in accordance with the New Jersey Civil Rights Act N.J.S.A. 10:6-2 as a result of the damages he has suffered financially and emotionally which are a direct result of the actions of the named defendants; who through negligence, fraudulent action and intentional discrimination did actively seek to deny the plaintiff immunities, privileges and protections despite knowledge that the Plaintiff is a protected class as defined by the Civil rights act of 1964. These defendants sought to deprive the Plaintiff of the rights granted to him in accordance with State Law and the State of New Jersey's constitution. The Plaintiff requests the court provide any relief it deems appropriate to include punitive damages, compensatory damages and injunctive relief against further malicious acts taken as related to the actions of the defendants.

**COUNT II. 42 U.S.C. § 1983: MONELL v DEPT. OF SOCIAL SERVICES CLAIM**

101. The Plaintiff brings a claim against the Carteret Police Department and its Officer Johnathan Defelice and Police Officer Torobino, Sergeant Jason Hanes, the Carteret Municipal Court and Judge Allen Cumba who lacked proper training regarding the enforcement of domestic violence law in the State of New Jersey. Monell v. Department of Social Services, set standards which require proof of a policy, custom, or practice that caused the constitutional violation. The New Jersey Prevention of Domestic Violence act provides a victim of domestic violence with rights that are described through the language used within state statute. As described above, officers of the Carteret PD and Municipal Judge Allen Cumba, who acted "under color of law" did employ a policy and/or practice that disregarded the rights of the plaintiff as the African American male victim of a State of New Jersey issued domestic violence restraining order.

102. N.J. Court Rules, R. 5:7A, which governs the issuance of restraining orders, supports this by outlining the procedures for issuing and enforcing such orders, further indicating their statewide applicability

N.J. Court Rules, R. 5:7A, Domestic Violence: Restraining Orders. Therefore, law enforcement

1 officers in any county in New Jersey are required to enforce a final restraining order issued by the  
2 Superior Court.

3 103. Officers of the Borough of Carteret Police Department Defelice and Torbino, who are uniform  
4 officers and Sgt. Jason Hanes who acts in a supervisor capacity did inform the Plaintiff on numerous  
5 separate occasions beginning in April of 2023 throughout April 2024, that his final restraining order  
6 was not enforceable within the Borough of Carteret because it was originally granted in Essex  
7 County. The Plaintiff supports this allegation with the affidavit of Richard Petrocy, who was a  
8 witness who observed the 5<sup>th</sup> Defendant Francyna Evins outside the residence of the Plaintiff seven  
9 (7) days after the granting of the final order watching his home.

10 104. Mr. Petrocy and the Plaintiff made several separate attempts to report this to the Carteret Police  
11 Department, but were denied by Officers who claimed without "Video" footage the report could not  
12 be taken. On one attempt, Officer Jonathan Defelice directly informed both the Plaintiff and Mr.  
13 Petrocy that "Ring Camera" or "Video" footage was needed to substantiate the sight of the 5<sup>th</sup>  
14 Defendant and that the word of the Plaintiff and the witness was not enough to detain the 5<sup>th</sup>  
15 Defendant.

16 105. Carteret Police Department officers, including Defendants Jonathan DeFelice, Torobino, and Jason  
17 Hanes, informed Plaintiff that the restraining order was not enforceable within Middlesex County.

18 106. This information was incorrect as per N.J. Stat. § 2C:25-28(p), which states that any temporary or  
19 final restraining order issued pursuant to this act shall be in effect throughout the State and shall be  
20 enforced by all law enforcement officers § 2C:25-28. Filing complaint alleging domestic violence in  
21 Family Part; proceeding

22 107. New Jersey law does not require a victim within a domestic violence final restraining order to  
23 provide video proof of the defendant violating the order by coming to a location listed in the  
24 restraining order as a place where the defendant is prohibited from harassing the victim. Furthermore,  
25 N.J. Court Rules, R. 5:7A, which govern the application and issuance of restraining orders, also do  
26 not require video proof for the enforcement of such orders. The rules focus on the testimony and  
27 evidence presented by the victim and the findings of the court N.J. Court Rules, R. 5:7A, Domestic  
28 Violence: Restraining Orders. The statement of the Plaintiff and a corroborating witness was enough

1 to substantiate a violation, but gender biased, and inadequate training of officers resulted in the  
2 Plaintiff rights being intentionally ignored.

3 108. There are more than six incidents with law enforcement where due to improper training and lack of  
4 knowledge regarding the enforcement of Domestic Violence restraining orders, the officers of the  
5 Carteret PD named, and municipal judge Allen Cumba failed to provide the Plaintiff the due process  
6 detailed within the enforcement order. As mentioned above in the statement of facts, Officer  
7 Jonathan Defelice intentionally falsified the statement given by the Plaintiff regarding the false  
8 reports filed within Carteret. Officer Defelice despite being given supporting court documentation  
9 falsified statements to Judge Allen Cumba resulting in a denial of the Order. Reports filed in March,  
10 April and May of 2024 all reporting harassment of the Plaintiff by the 5<sup>th</sup> Defendant were denied by  
11 Judge Allen Cumba, who had been overseeing the prosecution of the Plaintiff for the false allegations  
12 filed by the 5<sup>th</sup> Defendant on 12/8/2022.

13 109. At every instance during February 2024 through May 2024 Judge Allen Cumba denied enforcement  
14 of the order in favor of the 5<sup>th</sup> Defendant despite direct testimony in May 2024 from PO Megan  
15 Magalawski, informing the court that PO Magalawski had personally witnessed a 3<sup>rd</sup> party contact  
16 violation where a producer from the TV show "Divorce Court" contacted the Plaintiff and offered the  
17 Plaintiff \$300 to appear and dismiss the restraining order against the 5<sup>th</sup> Defendant. When asked if  
18 the 5<sup>th</sup> Defendant had directed the producer to call the Plaintiff, PO Magalawski clearly heard the  
19 producer state that 5<sup>th</sup> Defendant, Francyna Evins had directed the producer to contact the Plaintiff.  
20 Had Judge Allen Cumba been knowledgeable regarding Domestic Violence restraining orders and  
21 the laws of the State of New Jersey, it would have been known that any contact to the Plaintiff by  
22 another party on the direction of the Defendant is a violation of the "No 3<sup>rd</sup> Party Contact" stipulation  
23 of the restraining order.

24 110. A "no third-party contact" provision in the context of a restraining order in New Jersey legally  
25 prohibits the defendant from making any form of contact with the victim, either directly or indirectly  
26 through another person. This includes personal, written, electronic, or telephone communication, and  
27 extends to any contact initiated through an agent or intermediary § 2C:12-10.1. Conviction for

1 stalking, permanent restraining order, § 2C:44-8. Convicted defendants, prior restrictions continued,  
2 § 30:4-123.103. Prohibition against making contact with victim.

3 111.N.J. Stat. § 2C:12-10. 1, a restraining order can specifically restrain the defendant from making  
4 contact with the victim, including forbidding the defendant from initiating any communication likely  
5 to cause annoyance or alarm, whether personally or through an agent § 2C:12-10.1. Conviction for  
6 stalking, permanent restraining order.

7 112.N.J. Stat. § 2C:44-8(b) reinforces this by prohibiting the defendant from making contact with the  
8 victim or others, including through an agent, in any manner that would likely cause annoyance or  
9 alarm § 2C:44-8. Convicted defendants, prior restrictions continued.

10 113.N.J. Stat. § 30:4-123.103(a) clarifies that making contact with a victim includes contact made  
11 personally or through an agent, encompassing personal, written, electronic, or telephone  
12 communication § 30:4-123.103. Prohibition against making contact with victim.

13 114.The Plaintiff reported to the Carteret Police Department in March 2024, providing supporting  
14 evidence for the probable cause necessary to hold the 5<sup>th</sup> Defendant accountable for the violation of  
15 the restraining order and provided text messages where the 5<sup>th</sup> Defendant had been attempting to  
16 contact the Plaintiffs daughter, who is a protected party within the final restraining order and a minor.  
17 Despite the evidence provided by the Plaintiff to support the allegations, Judge Allen Cumba  
18 motivated by biased and discrimination, or a complete lack of adequate knowledge denied a violation  
19 to the active restraining order as he had done on numerous separate occasions previously.

20 115.Case law also supports this interpretation. In "B.C. v. T.G. ," the court issued a final restraining order  
21 prohibiting the defendant from contacting the plaintiff and extended this prohibition to include the  
22 plaintiff's family members, demonstrating the broad scope of no-contact provisions B.C. v. T.G., 430  
23 N.J. Super. 455. The Plaintiffs infant child is a named protected party within the active order  
24 therefore the law mandates the enforcement of the order. A "no third-party contact" provision in a  
25 restraining order in New Jersey is a comprehensive prohibition against any form of communication  
26 with the victim, directly or indirectly, to ensure the victim's protection and peace of mind.

1 116. Defendant Judge Allen Cumba and the Carteret Municipal Court engaged in a policy that denied  
2 Plaintiff's protective rights under the state order, despite extensive probable cause supporting  
3 violations of the order.

4 117. The Borough of Carteret failed to provide adequate training to its police officers and municipal court  
5 officials, including Judge Allen Cumba, regarding the enforcement and applicability of state-issued  
6 final restraining orders.

7 118. This failure to train resulted in the deprivation of Plaintiff's rights granted by the Superior Court  
8 within the restraining order, causing him significant emotional distress, financial harm and malicious  
9 prosecution which lasted over eighteen (18) months.

10 119. The Borough of Carteret, through its failure to train its employees, exhibited deliberate indifference  
11 to the rights of individuals holding state-issued restraining orders. Judge Allen Cumba as a municipal  
12 judge is mandated to enforce state law and domestic violence statute when it relates to the violation of  
13 an active restraining order and whether it is "enforceable" within the borough of Carteret. Sgt Jason  
14 Hanes acts as supervisor to both Officer Johnathan Defelice and Officer Torobino and the Sergeants  
15 lack of knowledge regarding the enforceability of a statewide restraining order reflects on those who  
16 he holds supervision over. There as established in Monell v. Dept. of Social Services, 436 U.S. 658  
17 (1978), the borough of Carteret is responsible for the poor training of those who act "under color of"  
18 law to enforce policy and law within the municipality.

19 120. Plaintiff seeks all appropriate relief allowed pursuant to a Monell claims under 42 U.S.C. § 1983,  
20 including compensatory damages, punitive damages, attorney's fees, and costs.

21 **ESSEX COUNTY**

22 121. 1<sup>st</sup> Defendant is responsible for the training of its officials and employees.

23 122. 2<sup>nd</sup> Defendant Jenna Ventola lacked the necessary knowledge regarding procedures and mandates of  
24 state issued restraining orders

25 123. 2<sup>nd</sup> Defendant Jenna Ventola, over the course of more than one (1) year, did fail to properly  
26 recognize and address the continued issues regarding the intimidation and harassment of the Plaintiff  
27 who was protected by a state issued final domestic violence restraining order.

1 124. The Plaintiff was also the listed victim within the prosecution charged to 2<sup>nd</sup> Defendant of the 4<sup>th</sup>  
2 Defendant; State of New Jersey v. Francyna Evins prosecutor file 22-003739.

3 125. The N.J. Const., Art. I, Para. 22, Rights of crime victims and N.J. Stat. § 52:4B-36, Crime Victim  
4 and Witness Act provides prosecutors with mandated procedure and conduct as it relates to the  
5 treatment and handling of victims.

6 126. N.J. Const., art. I, para. 22 states: “A victim of a crime shall be treated with fairness, compassion  
7 and respect by the criminal justice system. A victim of a crime shall not be denied the right to be  
8 present at public judicial proceedings except when, prior to completing testimony as a witness, the  
9 victim is properly sequestered in accordance with law or the Rules Governing the Courts of the State  
10 of New Jersey. A victim of a crime shall be entitled to those rights and remedies as may be provided  
11 by the Legislature.”

12  
13 127. N.J.S.A. § 52:4B-36 specifically details ten (10) of the eighteen (18) rights that crime victims are  
14 mandated to have within the state of New Jersey. For purposes of this paragraph the Plaintiff wishes  
15 to highlight:

- 16 a) To be treated with dignity and compassion by the criminal justice system;  
17 b) To be informed about the criminal justice process;  
18 c) To be free from intimidation, harassment or abuse by any person including the defendant or any  
19 other person acting in support of or on behalf of the defendant, due to the involvement of the  
20 victim or witness in the criminal justice process;  
21 d) To have inconveniences associated with participation in the criminal justice process minimized  
22 to the fullest extent possible;  
23 g) To be notified in a timely manner, if practicable, if presence in court is not needed or if any  
24 scheduled court proceeding has been adjourned or cancelled;  
25 j) To be provided a secure, but not necessarily separate, waiting area during court proceedings;  
26 k) To be advised of case progress and final disposition and to confer with the prosecutor's  
27 representative so that the victim may be kept adequately informed;  
28

- 1 o) To have the opportunity to consult with the prosecuting authority prior to the conclusion of any  
2 plea negotiations, and to have the prosecutor advise the court of the consultation and the victim's  
3 position regarding the plea agreement, provided however that nothing herein shall be construed  
4 to alter or limit the authority or discretion of the prosecutor to enter into any plea agreement  
5 which the prosecutor deems appropriate;
- 6 r) To appear in any court before which a proceeding implicating the rights of the victim is being  
7 held, with standing to file a motion or present argument on a motion filed to enforce any right  
8 conferred herein or by Article I, paragraph 22 of the New Jersey Constitution, and to receive an  
9 adjudicative decision by the court on any such motion.

10 128. Plaintiff alleges that 1<sup>st</sup> Defendant is responsible for the lack of training, legal knowledge and  
11 procedural knowledge of the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants who are prosecutors within the Office of the 1<sup>st</sup>  
12 Defendant.

13 129. As prosecutors, the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants are required to be knowledgeable regarding the laws of  
14 the State of New Jersey. Additionally, the 1<sup>st</sup> Defendant is mandated to provide prosecutors with  
15 training regarding domestic violence procedure and laws. The 1<sup>st</sup> Defendant is also responsible for  
16 the training of the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants as it regards the treatment and/or "handling" of crime  
17 victims and witnesses within state prosecutions.

18 130. 2<sup>nd</sup> and 3<sup>rd</sup> Defendant did fail to adhere to the above ten (10) stipulations set forth in N.J.S.A. §  
19 52:4B-36 and the language N.J. Const., art. I, para. 22 through the intentional neglect, malicious  
20 actions and unprofessional treatment of the Plaintiff.

21 131. 2<sup>nd</sup> and 3<sup>rd</sup> Defendants did allow the intimidation, harassment and additional criminal conduct  
22 committed against the Plaintiff which violated the Plaintiffs rights as the listed victim in both a  
23 state final restraining order and as the states witness in an active prosecution.

24 132. The Plaintiff states he was kept out of judicial proceedings, denied access to protection despite 2<sup>nd</sup>  
25 Defendants knowledge that the 4<sup>th</sup> Defendant was actively pursuing the Plaintiff, treated unfairly  
26 and deceived and more importantly ultimately barred from the trial of the 4<sup>th</sup> Defendant by use of a  
27 restraining order filed by the 2<sup>nd</sup> Defendant.

1 133. The 2<sup>nd</sup> Defendant did use fabricated information submitted by the 4<sup>th</sup> and 5<sup>th</sup> Defendants to make  
2 claims in the Essex County Superior Court Chancery Division pursuant to the VSAPA (Victim  
3 Survivor and Protection Act) of cyber harassment against the Plaintiff.

4 134. The 2<sup>nd</sup> Defendant made allegations that Plaintiff threatened her physically and directly using his  
5 social media platform and directed these threats at her. This was supported by the 1<sup>st</sup> Defendant  
6 who in collusion with the 2<sup>nd</sup> Defendant did support the VSAPA hearing providing a false  
7 narrative to support the fraudulent claims of the 2<sup>nd</sup> Defendant.

8 135. This was done collectively and included 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Defendants, 1<sup>st</sup> and 3<sup>rd</sup> Defendants  
9 learned before the filing of the 2<sup>nd</sup> Defendants petition within the Essex Superior Court Chancery  
10 Division that the Plaintiff had not created the content emailed to the 2<sup>nd</sup> Defendant. 4<sup>th</sup> Defendant  
11 was aware the Plaintiff had not created the content because it was created by the 4<sup>th</sup> Defendant and  
12 5<sup>th</sup> Defendant was made aware of the truth by 4<sup>th</sup> Defendant.

13 136. 2<sup>nd</sup> Defendant Jenna Ventola states within the transcript of the Essex County Chancery Division  
14 trial for docket FV-07-3243-24 (Which is included in discovery), that investigators from the office  
15 of the 1<sup>st</sup> Defendant did investigate and attempted to criminally charge the Plaintiff for threatening  
16 a state prosecutor.

17 137. The office of the 1<sup>st</sup> Defendant could not criminally charge the Plaintiff once it was discovered the  
18 Plaintiff did not own or control the social media content which had been emailed to the 2<sup>nd</sup>  
19 Defendant March 26, 2024 by the 5<sup>th</sup> Defendant. The 1<sup>st</sup> Defendant to include 2<sup>nd</sup> and 3<sup>rd</sup>  
20 Defendants all possessed knowledge that the Plaintiff had been “setup” using fabricated discovery  
21 sent by the 5<sup>th</sup> Defendant who was the defense attorney for the 4<sup>th</sup> Defendant.

22 138. No criminal complain was ever filed against the plaintiff as per the 2<sup>nd</sup> Defendant because  
23 investigators within the office of the 1<sup>st</sup> Defendant informed the 2<sup>nd</sup> Defendant that the Plaintiff had  
24 not sent the content used by the 5<sup>th</sup> Defendant no had the Plaintiff created the content.

25 139. Despite evidence which vindicated the Plaintiff, 2<sup>nd</sup> Defendant manipulated evidence, falsified  
26 testimony and used her position as a state prosecutor to further violate the rights of the Plaintiff  
27 when she filed a petition within the Essex Superior Chancery Division requesting a restraining  
28

1 order. It should be noted that the Plaintiff never threatened the 2<sup>nd</sup> Defendant and discovery will  
2 support this.

3 140. The 4<sup>th</sup> Defendant Francyna Evins has been criminally charged with the social media content sent  
4 by the 5<sup>th</sup> Defendant, Cynthia Hardaway to 2<sup>nd</sup> Defendant Jenna Ventola.

5 141. The 2<sup>nd</sup> Defendant was contacted by the Plaintiff on numerous occasions seeking assistance with  
6 stopping the harassment of the 4<sup>th</sup> Defendant. The 2<sup>nd</sup> Defendant lacked knowledge of domestic  
7 violence procedures, pretended to never have answers and constantly advised the Plaintiff she  
8 would contact superiors.

9 142. The officials of the office of the 1<sup>st</sup> Defendant are required by state law to abide by rules set forth  
10 concerning the treatment of Victims and Witnesses and the rights of domestic violence victims.  
11 The Plaintiff alleges he was treated differently with the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 12 Defendants refusing to  
12 respect the state mandate rights of the Plaintiff due to his gender and race.

13 143. This is further supported by the trial record where the 12<sup>th</sup> Defendant is quoted denying to Plaintiff  
14 his status as the victim with respect to the final restraining order that was in place against the 4<sup>th</sup>  
15 Defendant. The trier of fact who is the 12<sup>th</sup> Defendant refused to acknowledge the Plaintiff's status  
16 as the protected party during the trial of the 4<sup>th</sup> Defendant. This created unfair prejudice against the  
17 Plaintiff as it minimized the history of the domestic violence dispute between the Plaintiff and 4<sup>th</sup>  
18 Defendant.

19 144. 1<sup>st</sup> Defendant, nor any of its officers that include the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants sought to respect the  
20 rights of the Plaintiff during an active state prosecution. The 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants conspired  
21 to used the restraining order obtained by the second to deny the Plaintiff access to the proceedings.

22 145. No officials/officers from the office of the 1<sup>st</sup> Defendant, which include the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants  
23 made any efforts to contact the Plaintiff regarding changes in the prosecution or any updates in the  
24 legal proceedings.

25 146. The Plaintiff has received no contact as of the date of this filing.

26 147. The 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants have further sought to deny the Plaintiff process by closing all  
27 active violations against the 4<sup>th</sup> Defendant despite extensive probable cause against the 4<sup>th</sup>  
28

Defendant. Plaintiff alleges that this intentional refusal to prosecute the 4<sup>th</sup> Defendant is a direct result of this civil action filed against the office.

148. 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants took no measures to punish the 5<sup>th</sup> Defendant for the false information or the 4<sup>th</sup> Defendant after discovery provided supported the claims that 4<sup>th</sup> Defendant did alter public records to commit fraud against the Court and interfere with judicial process within an active state prosecution.

149. As the Plaintiff/Victim whose rights were grossly violated by state prosecutors the Plaintiff has no recourse other then civil action. The Plaintiff has exhausted all administrative remedies to include ethics, grievance, the AOC and the DJC. All parties are powerless to help as the victim has no outlet to being wronged by prosecutors only a criminal defendant.

150. The Plaintiff seeks damages to include compensatory and punitive for the emotional and financial damages he has suffered and request that they be determined at trial. The Plaintiff seeks any injunctive relief provided by the court that would compel the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants to provide the Plaintiff protections and processes denied him as the victim of a state final restraining order which names the Plaintiff as the protected party. The Plaintiff also seeks disciplinary actions against the 12<sup>th</sup> Defendant for failing in the responsibilities of a Judge and discriminating against the Plaintiff based on falsified information submitted.

**COUNT III. 42 U.S.C. § 1983: PROSECUTOR MISCONDUCT; VIOLATION BRADY V MARYLAND**

151. The Plaintiff alleges prosecutor misconduct against the 2<sup>nd</sup> Defendant Jenna Ventola, and 3<sup>rd</sup> Defendant known only as “John Doe”, who are both prosecutors within the Essex County Prosecutors Office. Overall, the legal framework in New Jersey mandates that prosecutors play an active role in protecting and advocating for the rights of crime victims throughout the criminal justice process State v. Means, 191 N.J. 610, State v. Tedesco, 214 N.J. 177, § 2A:12-14. Advance notice to prosecutor; notice to victims; “prosecutor” defined.

1 152. Prosecutors in New Jersey are responsible for protecting the rights of victims in prosecutions  
2 they oversee. The New Jersey Attorney General issues standards for law enforcement  
3 agencies to follow in order to protect the rights of crime victims. State v. Means, 191 N.J.  
4 610.

5 153. The Crime Victim's Bill of Rights, codified in N.J.S.A. §§ 52:4B-34 to -38, grants crime  
6 victims several rights, including the right to be treated with dignity and compassion, to be  
7 informed about the criminal justice process, to be advised of case progress and final  
8 disposition, and to make an in-person statement to the sentencing court concerning the impact  
9 of the crime State v. Means, 191 N.J. 610, State v. Tedesco, 214 N.J. 177.

10 154. New Jersey Legislature directs the Attorney General to promulgate standards to ensure that  
11 the rights of crime victims are enforced, and expressly instructs that prosecutors must assist  
12 victims in submitting a written impact statement and securing an explanation of plea  
13 agreements State v. Means, 191 N.J. 610.

14 155. Prosecutors are also required to notify victims in advance of scheduled proceedings and to  
15 consider the views of victims before reaching final decisions on plea agreements § 2A:12-14.  
16 Advance notice to prosecutor; notice to victims; "prosecutor" defined.

17 156. N.J. Court Rules, RPC 3. 4, explicitly prohibits lawyers from unlawfully obstructing another  
18 party's access to evidence or unlawfully concealing a document or other material having  
19 potential evidentiary value N.J. Court Rules, RPC 3.4, Fairness to opposing party and  
20 counsel. This rule further supports the notion that withholding inculpatory evidence for  
21 personal reasons would be a violation of professional conduct rules.

22 157. N.J. Stat. § 2C:29-3 criminalizes actions that hinder the prosecution of another, including the  
23 suppression or concealment of evidence § 2C:29-3. Hindering apprehension or prosecution.  
24 This statute provides a legal basis for prosecuting individuals who engage in such conduct,  
25 thereby reinforcing the prohibition against withholding evidence for personal reasons

26 158. The Plaintiff alleges that 2<sup>nd</sup> Defendant Jenna Ventola, did intentionally withhold inculpatory  
27 evidence in the state prosecution of the Plaintiffs offender 4<sup>th</sup> Defendant Francyna Evins,  
28 which violated the plaintiff's rights.

1 159. 2<sup>nd</sup> Defendant Jenna Ventola intentionally allowed false evidence to include both documents  
2 and testimony from biased defense witnesses whom the Plaintiff had a protective order  
3 against for harassment and false statements to law enforcement.

4 160. The 2<sup>nd</sup> Defendant, in retaliation for complaints to the prosecutor's office, grievances to the  
5 ethics committee and statements regarding intentions of civil action to be taken against the 2<sup>nd</sup>  
6 Defendant by the Plaintiff, did manipulate false discovery provided by the 5<sup>th</sup> Defendant  
7 Cynthia Hardaway to obtain an order from the Superior Court of New Jersey, Chancery  
8 Division which barred the Plaintiff from the criminal trial of the 4<sup>th</sup> Defendant, and further  
9 attempts to violate the Plaintiffs First Amendment protections of the Right to Freedom of  
10 Speech.

11 161. To establish a Brady violation, the Plaintiff must demonstrate three elements: (1) the evidence  
12 at issue was favorable to or against the accused, either as exculpatory, inculpatory or  
13 impeachment evidence; (2) the State suppressed the evidence, either purposely or  
14 inadvertently; and (3) the evidence was material to the defendant's case, either convicting or  
15 exonerating the 6<sup>th</sup> defendant Francyna Evins. The Plaintiff contends that all three elements  
16 are met in this case. The Evidence withheld by the 2<sup>nd</sup> Defendant was both material and  
17 favorable to establishing the Plaintiffs claims against 4<sup>th</sup> Defendant, Francyna Evins.

18 162. The 2<sup>nd</sup> Defendant possessed crucial impeachment testimony against the defense witnesses  
19 but withheld it to intentionally sabotage a state prosecution. Discovery will support this, and  
20 witness testimony to include the affidavit of Jarmerl Ferrell, will verify that the 2<sup>nd</sup> Defendant  
21 was vindictive and malicious, informing Mr. Ferrell during an interview that she would "not  
22 help the Plaintiff if he continued to file reports against her" which occurred two (1) day before  
23 the start of the Trial of State of New Jersey v Francyna Evins.

24 163. 4<sup>th</sup> Defendant Francyna Evins had engaged in additional criminal acts consistently harassing,  
25 stalking and threatening the plaintiff for more than a year. After the granting of the  
26 Restraining order against the 4<sup>th</sup> Defendant, the harassment increased to include fraudulent  
27 vexatious litigation, cyber harassment and stalking. Many of the acts being documented in  
28

1 police reports and supported by discovery from the 4<sup>th</sup> Defendants own personal social media  
2 accounts.

3 164.Despite the additional harassment, 2<sup>nd</sup> Defendant sought no additional charges against the 4<sup>th</sup>  
4 Defendant even falsely informing the Plaintiff that the 4<sup>th</sup> Defendants conduct from the State  
5 of New York was “inadmissible” within the State of New Jersey.

6 165.Case Law provides that acts of Domestic Violence are admissible during the prosecution to  
7 establish the history of the Domestic Violence situation in its totality. it.

8 166.As it relates to Brady v Maryland and the withholding of evidence, the standard of materiality  
9 is whether there is a reasonable probability that, had the evidence been disclosed, the result of  
10 the proceeding would have been different. Discovery supporting acts of additional harassment  
11 and criminal conduct would have had an impact within the prosecution of the 4<sup>th</sup> Defendant as  
12 they would have supported the intentions and criminal conduct of the 4<sup>th</sup> Defendant.

13 167.The Plaintiff believes that justice requires a thorough examination of these critical allegations  
14 to ensure a fair and just resolution of this act. The Plaintiff wishes to highlight several key  
15 factors withheld from the trial court that was maliciously done and affected the trial court’s  
16 decision:

17 I. More than fourteen (14) additional police reports detailing additional acts of  
18 intimidation and harassment by the 4<sup>th</sup> defendant, Francyna Evins. These police  
19 reports were from Essex County, the Borough of Carteret New Jersey and Staten  
20 Island, New York and detailed more than one (1) year of additional criminal acts  
21 of harassment, public records fraud, stalking, intimidation, false reporting, false  
22 swearing and more committed by the Francyna Evins.

23 II. Discovery audio and text messages submitted to the 2<sup>nd</sup> Defendant Jenna Ventola  
24 that would have impeached several of the witnesses used by the 5<sup>th</sup> defendant  
25 defense counsel Cynthia Hardaway. One of these audio recordings includes the 4<sup>th</sup>  
26 Defendant incriminating herself on audio which could have affected the decision  
27 of the trial court had it been provided.

III. Discovery regarding the 4<sup>th</sup> Defendant who falsified public records and then submitted this false information through defense counsel who is the 5<sup>th</sup> Defendant to the following judicial parties: Essex County Office, chambers of the Trial Judge Chandra Coleman, Essex County Sheriff's Office and Special Remand Court. This false information alleged that the Plaintiff was mentally ill, receiving SSI benefits and had physically threatened the 2<sup>nd</sup> defendant Jenna Ventola. This was done when emails were sent to 2<sup>nd</sup> Defendant with pictures of a "YouTube" channel created by the 4<sup>th</sup> Defendant which falsely represented the Plaintiff. The content created had been edited with malicious intent by the 4<sup>th</sup> Defendant to manipulate the above parties against the Plaintiff in favor of the 4<sup>th</sup> Defendant. The 4<sup>th</sup> Defendant used AI editing software to create a video which falsely threatened the 2<sup>nd</sup> Defendant Jenna Ventola and further made it appear as though it was said by the Plaintiff by editing and merging separate parts of a video together into one. 2<sup>nd</sup> Defendant Jenna Ventola and Essex County Prosecutor investigators sought criminal charges against the Plaintiff, as was stated on the record by the 3<sup>rd</sup> Defendant during a separate proceeding but were unable to charge the Plaintiff after it was discovered the "YouTube" channel was not controlled or created by the Plaintiff.

IV. Defense witnesses had a protection order against them naming the Plaintiff as a protected party. The defense witnesses had been stalking the Plaintiff with the 4<sup>th</sup> Defendant and were maliciously pursuing the Plaintiff for vengeance which had been confessed in audio by the 4<sup>th</sup> Defendant.

168. Under the Brady rule, the prosecution is required to disclose evidence that is favorable to the defendant and/or material to guilt or punishment. This includes exculpatory evidence, inculpatory evidence and impeachment evidence against a defendant.

169. The duty to disclose such evidence is not dependent on whether the defense has requested it.

The prosecution must disclose this evidence regardless of whether the suppression was

intentional or inadvertent. The evidence is considered material if there is a reasonable probability that its disclosure would have altered the outcome of the trial People v. Lewis, 240 Cal. App. 4th 257, In re Moore, 615 S.W.3d 162, Ex parte Kimes, 872 S.W.2d 700.

170. The motive of the prosecutor in withholding exculpatory or inculpatory evidence is immaterial. The key factor is whether the evidence is favorable to the defense and/or material to the outcome of the trial Homick v. State, 112 Nev. 304, Wallace v. State, 88 Nev. 549. The intentional withholding of such evidence by a prosecutor can lead to severe consequences, including the possibility of a mistrial, the imperilment of any conviction on appeal, and potential internal investigations and sanctions for ethical violations Shelton v. United States, 26 A.3d 216.

171. Courts may disqualify a prosecuting attorney or the entire prosecuting attorney's office if there is evidence of bad faith and a pattern of violations Kidd v. City of Chicago, 2003 U.S. Dist.

172. When prosecutors withhold inculpatory evidence against a defendant, it violates the defendant's due process rights under the Fourteenth Amendment, as established in Brady v. Maryland State v. Edgington, 223 Kan. 413, State v. Stevens, 285 Kan. 307, United States v. Agurs, 427 U.S. 97. When prosecutors withhold inculpatory evidence in favor of retaliation against a victim they may not like, it denies that victim the right to justice as is the purpose of the trial system. This is what was done by the 2<sup>nd</sup> Jenna Ventola who intentionally and maliciously withheld over twelve (12) criminal complaints citing harassment and various other criminal offenses committed by the 4<sup>th</sup> defendant.

173. After the first day of the trial of the 4<sup>th</sup> Defendant, 2<sup>nd</sup> Defendant Jenna Ventola was replaced by 3<sup>rd</sup> Defendant who is only known to the Plaintiff as "John Doe" for purposes of this action.

174. 3<sup>rd</sup> Defendant John Doe, in accordance with the laws of New Jersey and the rights of Crime Victims and Witnesses, was under mandate to contact the Plaintiff regarding the prosecution of the 4<sup>th</sup> Defendant.

175. 3<sup>rd</sup> Defendant did not contact the Plaintiff either through intentional negligence or malicious directive from superiors. This failure to include the Plaintiff who was the victim did result in

1 falsified discovery and testimony being introduced which the 3<sup>rd</sup> Defendant made no  
2 responsible effort to refute or substantiate intentionally intending for the prosecution of the 4<sup>th</sup>  
3 Defendant to be corrupted by perjured testimony and falsified defense evidence.

4 176. As a direct result of the 3<sup>rd</sup> Defendants intentional actions which violated the rights of the  
5 Plaintiff, the Plaintiff due process rights were violated and the 4<sup>th</sup> Defendant was acquitted by  
6 use of perjured testimony and falsified discovery which directly violates the judicial integrity  
7 mean to be upheld by the Office of the Prosecutor and the Court.

8 177. The office of the 1<sup>st</sup> Defendant did intentionally neglect to inform the Plaintiff of the change  
9 in prosecutors due to the order obtained by the 2<sup>nd</sup> Defendant, who used the falsified  
10 information submitted by the 5<sup>th</sup> Defendant, to obtain a restraining order against the Plaintiff  
11 for threats the Plaintiff never made to the 2<sup>nd</sup> Defendant. These threats were created by the  
12 4<sup>th</sup> Defendant, who fabricated the Plaintiff content using editing software to create bias  
13 against the Plaintiff.

14 178. The restraining order obtained by the 2<sup>nd</sup> Defendant barred the Plaintiff from the workplace of  
15 the 2<sup>nd</sup> Defendant, the workplace being the trial court in the eyes of the Plaintiff, who was  
16 never informed by the 1<sup>st</sup> Defendant, the Essex County Prosecutors Office, or the 3<sup>rd</sup>  
17 Defendant, "John Doe" prosecutor, that the 2<sup>nd</sup> Defendant had been replaced and therefore the  
18 Plaintiff was not prohibited from the trial courtroom where the Plaintiff believed the 2<sup>nd</sup>  
19 Defendant was still located as the prosecutor.

20 179. This was done intentionally, so that the Plaintiff would not be present to object or attempt to  
21 refute the false testimony and discovery of the defense.

22 180. The violation of the judicial process by prosecutors who intentionally sabotage prosecutions  
23 for retaliatory personal agendas deny victims the rights intended by State and Federal law.  
24 The withholding of evidence which impeaches defense witnesses is also such a violation; the  
25 denial of a victim's due process and protective rights is another such violation. Plaintiff seeks  
26 all appropriate relief allowed under 42 U.S.C. § 1983, including compensatory damages,  
27 punitive damages and injunctive relief against the defendants and their superiors for the  
28

1 violation of the rights granted him by the Constitution, Federal Government, State  
2 Constitution and State of New Jersey Statues.

3  
4 **COUNT IV. CONSPIRACY 42 U.S.C § 1985 (2) OBSTRUCTING JUSTICE; INTIMIDATING**

5 **PARTY, WITNESS**

6 181. On or about March 26, 2024, Defendants 1<sup>st</sup> Essex County Prosecutors Office, Jenna Ventola  
7 2<sup>nd</sup> Defendant, 5<sup>th</sup> Defendant Cynthia Hardaway, 3<sup>rd</sup> Defendant “John Doe”, 4<sup>th</sup> Defendant  
8 Francyna Evins did conspire to deprive Plaintiff of his civil rights by committing fraud upon the  
9 court to influence the trial of State v Francyna Evins.

10 182. 5<sup>th</sup> Defendant Cynthia Hardaway, defense attorney of the 4<sup>th</sup> Defendant Francyna Evins, did  
11 provide false information regarding the victim/Plaintiff, information of false threats made to  
12 then acting prosecutor Jenna Ventola, and information regarding the mental health of the  
13 plaintiff.

14 183. This information submitted by 5<sup>th</sup> Defendant was investigated and later found to be false by  
15 Essex County Prosecutor Investigators as per the 2<sup>nd</sup> Defendant herself during the VSAPA trial.  
16 Because it was determined to have not been controlled or created by the Plaintiff, no criminal  
17 charges were filed.

18 184. 2<sup>nd</sup> Defendant Jenna Ventola, feeling personally offended did decide to use this false  
19 information submitted to her as prosecutor to have the Plaintiff charged with cyber harassment  
20 using the NJ Victim Survivor and Protection Act.

21 185. The New Jersey Supreme Court in Cashen v. Spann emphasized that prosecutors and their  
22 assistants are charged with the obligation to act in due accordance with the law in the discharge  
23 of their public duties. They are presumed to act legally, but if it is proven that they acted in  
24 excess of their official duty for personal reasons, they can be held civilly liable for such acts  
25 Cashen v. Spann, 66 N.J. 541. This principle reinforces that any deviation from their official  
26 duties for personal reasons, including withholding evidence, is not permissible

27 186. Plaintiff never threatened nor made any attempt to contact or notify the 2<sup>nd</sup> Defendant regarding  
28 his personal feelings relating to her professionalism or ethical responsibilities The Plaintiff

1 never attempted to send communications electronically or through 3<sup>rd</sup> party information to  
2 inform the 2<sup>nd</sup> Defendant of any comments made publicly which is a major component of  
3 harassment: "Attempting to harass or annoy".

4 187. 2<sup>nd</sup> Defendant used connections to Judge to obtain cyber harassment order when burden of  
5 proof not met.

6 188. The order the 2<sup>nd</sup> Defendant was granted as a complete stay away listing work, home and all  
7 places listed. Plaintiff ordered to stay away from the prosecutor's office at 50 W Market Street,  
8 Newark New Jersey which is the same address as the court

9 189. 1<sup>st</sup> Defendant nor 3<sup>rd</sup> Defendant made any attempt to contact the victim/Plaintiff and update the  
10 plaintiff of the active prosecution that the prosecutor had been changed to oversee. The Rights  
11 of Crime Victims and Witnesses act states that prosecutors must keep victims informed at all  
12 stages within the judicial process, the change of the prosecutor is something the victim should  
13 have been notified of.

14 190. The Plaintiff alleges the defendants did conspire to obtain the restraining order against the  
15 plaintiff so that an order was present to deter his coming to the trial of State v Francyna Evins.  
16 1<sup>st</sup> and 3<sup>rd</sup> Defendants actively chose not to inform the plaintiff that 2<sup>nd</sup> Defendant Jenna  
17 Ventola had been replaced and therefore she would not be present at the trial.

18 191. Having been deterred due to fear of arrest, prosecutors worked with defense counsel to weaken  
19 the prosecutions own case by allowing false discovery and withholding inculpatory evidence  
20 supporting the guilty of the defendant.

21 192. The Plaintiff spent over two (2) months attempting to contact 1<sup>st</sup> Defendant, and offices within  
22 the organization seeking assistance and information regarding the prosecution and the other  
23 violations pending within the Domestic Violence Unit. No response was ever received.

24 193. Defendants did seek through use of Fraud to intentionally deceive the court, implement plans to  
25 obtain the restraining order to bar the plaintiff, and introduce this information to the court and  
26 trial of the 4<sup>th</sup> Defendant.

27 194. Due to the combined efforts of Defendants 2<sup>nd</sup>, 1<sup>st</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 12<sup>th</sup> the Plaintiff was denied  
28 his right to be heard before the court. The Restraining order obtained against the Plaintiff; lack

1 of information provided to the Plaintiff regarding the replacement of the 2<sup>nd</sup> defendant did  
2 create an impression of arrest should the plaintiff attempt to attend the trial of Francyna Evins.  
3 195. Plaintiff alleges the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants did use the restraining order obtained using false  
4 information provided by 5<sup>th</sup> Defendant Cynthia Hardaway which was created by the 4<sup>th</sup>  
5 Defendant Francyna Evins, to intimidate the Plaintiff and create fear of arrest should he attempt  
6 to enter the court. The Plaintiff was only informed by the 1<sup>st</sup> Defendant not to come to the office  
7 of the 2<sup>nd</sup> Defendant, he was never informed about the 2<sup>nd</sup> Defendant being removed from the  
8 prosecution thereby allowing the Plaintiff leave to attend.

9 196. 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants never provided a secure space for the Plaintiff to wait or observe  
10 the trial directly violating the Rights of Crime Victims and Witness Act. Plaintiff, and state  
11 witnesses had been threatened by the brother of the 4<sup>th</sup> Defendant during the first day of the  
12 trial. Prosecutors, as a safety precaution for the witnesses moved all state witness to the  
13 reception area of the prosecutor's office.

14 197. After the 2<sup>nd</sup> Defendant obtained the order, 1<sup>st</sup> Defendant representatives contact the Plaintiff  
15 instruct him not to report to the secure area and told him to report to the court despite the  
16 danger encountered. When questioned regarding this the Plaintiff was told there was no  
17 protection and to simply report to the courtroom. Out of fear for his safety, the Plaintiff  
18 declined.

19 198. Plaintiff alleges that 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants did conspire together to commit an action that  
20 would create a barrier to deter that Plaintiff from attending the trial of the 4<sup>th</sup> Defendant. All  
21 Defendant acting under "color of law" have procedural guidelines and statute of law they were  
22 mandated to follow yet ignored all mandates and statute of law to pursue a restraining order  
23 against the Plaintiff for accusations now proven to be false and created by the state criminal  
24 defendant against the victim.

25 199. Despite solid discovery to confirm this, 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> Defendants have taken no action against  
26 the 4<sup>th</sup> Defendant whose fraud interfered with the judicial process creating unjust biased and  
27 discrimination against a state victim who is a protected party.  
28



1 207. Prosecutors to diminish the credibility of the Plaintiff conspired to create a criminal action  
2 which would turn the Plaintiff from victim to offender.

3 208. A conspiracy involves 2 or more parties who through their efforts seek a collective goal that  
4 benefits the group. To weaken the justified claims of misconduct, prosecutors conspired  
5 together in the common goal to silence the petitioner and deny him any opportunity to be  
6 heard by the trial judge regarding the fraud committed on the Court and the additional acts of  
7 harassment.

8 209. Plaintiff seeks all appropriate relief allowed under 42 U.S.C. § 1985, including compensatory  
9 damages, punitive damages and injunctive relief against the defendants and their superiors for the  
10 violation of the rights granted him by the Constitution, Federal Government, State Constitution and  
11 State of New Jersey Statutes.

12  
13 **COUNT VI. 42 U.S.C. § 1986: ACTION FOR NEGLECT TO PREVENT**

14 210. To establish a claim under 42 USC 1986, a plaintiff must prove that the defendant had actual  
15 knowledge of the conspiracy, had the power to prevent or aid in preventing the commission of  
16 the wrongful act, neglected or refused to prevent the conspiracy, and that a wrongful act was  
17 committed as a result Brandon v. Lotter, 157 F.3d 537. The courts have consistently held that  
18 a valid claim under 42 USC 1985 is a prerequisite for a claim under 42 USC 1986 M.M.E. v.  
19 Cnty. of San Bernardino, 2023 U.S. Dist. LEXIS 230508, Shuler v. Arnott, 2022 U.S. Dist.  
20 LEXIS 200328, Libman v. United States, 2022 U.S. Dist. LEXIS 235956.

21 211. The Plaintiff brings this action against the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants, who having personal  
22 knowledge of the innocence of the Plaintiff as it regarded threatening 2<sup>nd</sup> Defendant Jenna  
23 Ventola who was the acting prosecutor within State of New Jersey v Francyna Evins, did  
24 withhold that knowledge from the court so that a restraining order would be granted against  
25 the Plaintiff for allegations by which he was innocent of.

26 212. 2<sup>nd</sup> Defendant Jenna Ventola was aware of the YouTube Channel submitted by the 5<sup>th</sup>  
27 Defendant Cynthia Hardaway weeks prior to the email being sent. This is supported by  
28 discovery emails where the Plaintiff sent screenshots of the YouTube Channel to the 2<sup>nd</sup>

1 Defendant seeking assistance to stop the cyber harassment and defamation of the 4<sup>th</sup>  
2 Defendant. The Plaintiff was totally ignored by the 2<sup>nd</sup> Defendant who held a responsibility to  
3 protect him.

4 213.4<sup>th</sup> Defendant created a YouTube channel where over 300 videos were created by the 4<sup>th</sup>  
5 Defendant to falsely label the Plaintiff as threatening and mentally ill. On this channel, the 4<sup>th</sup>  
6 Defendant had accused the Plaintiff of rape, abuse, and all the allegations which had been  
7 previously dismissed against the Plaintiff after the trial within Essex County Superior  
8 Chancery Division. This was done by the 4<sup>th</sup> Defendant to continue the pattern of stalking,  
9 defamation and slander against the Plaintiff. The Plaintiff possessed an active final restraining  
10 order protecting him from harassment, which 300 false videos created to harass and annoy the  
11 plaintiff violated.

12 214.Despite the information stated, the 2<sup>nd</sup> Defendant did falsify testimony and make claims under  
13 oath that the channel mentioned was that off the Plaintiff which has now been definitely  
14 proven false.

15 215.2<sup>nd</sup> Defendant despite knowledge of the truth intentionally falsified information to the court so  
16 that the Plaintiff would be barred from the courtroom and building of the trial for allegations  
17 2<sup>nd</sup> Defendant knew were false.

18 216.This intentional negligence regarding the truth, and the malicious intent of the conspirators to  
19 conceal truths that would have protected the Plaintiff, did allow the 4<sup>th</sup> and 5<sup>th</sup> Defendants to  
20 manipulate the judicial proceeding by providing false witness testimony and discovery against  
21 the Plaintiff.

22 217.The false testimony and discovery provided was responsible for the acquittal of the 4<sup>th</sup>  
23 Defendant. This acquittal denied the Plaintiff the justice of the courts as the Plaintiff has no  
24 avenue to appeal as the victim.

25 218.2<sup>nd</sup> Defendant Jenna Ventola had personal knowledge which if provided would have  
26 established the Plaintiff innocence and stopped the judicial fraud committed by the 4<sup>th</sup> and 5<sup>th</sup>  
27 Defendants.  
28

1 219.2<sup>nd</sup> Defendant sought personal revenge against the Plaintiff for being called “phat” during a  
2 social media podcast where the 2<sup>nd</sup> Defendant was not named when the insult was stated. 2<sup>nd</sup>  
3 Defendant knew the Plaintiff was talking about her due to her misconduct so used her position  
4 as a prosecutor to criminalize the free speech of the Plaintiff hoping to further violate his  
5 rights by having him barred from the trial of his offender.

6 220.Had 2<sup>nd</sup> Defendant revealed the knowledge she possessed, the actions barring the Plaintiff  
7 from a trial where he was the victim, and the introduction of fraudulent discovery would and  
8 could have been prevented.

9 221.The Plaintiff alleges that due to feeling of personal dislike and vengeance 2<sup>nd</sup> Defendant did  
10 conspire with 1<sup>st</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Defendants to deprive him of his rights as granted by the laws  
11 of the state of New Jersey.

12 222.Plaintiff seeks all appropriate relief allowed under 42 U.S.C. § 1986, including compensatory  
13 damages, punitive damages and injunctive relief against the defendants and their superiors for  
14 the violation of the rights granted him by the Constitution, Federal Government, State  
15 Constitution and State of New Jersey Statues

16 **COUNT VII. 42 U.S.C. § 1983: VIOLATIONS OF FIRST AMENDMENT RIGHTS FREEDOM OF**

17 **SPEECH**

18 223.The Plaintiff brings this action against the 2<sup>nd</sup> Defendant Jenna Ventola seeking damages for  
19 violations to his First Amendment rights

20 224. To establish a claim alleging a violation of one’s first amendment rights, the plaintiff must  
21 establish that they engaged in protected conduct, faced adverse action as a result, and that  
22 there was a causal link between the conduct and the adverse action, while also proving the  
23 individual liability of each defendant involved Dodds v. Richardson, 614 F.3d 1185,  
24 Tangreti v. Bachmann, 983 F.3d 609, Elliot v. Pa. Interscholastic Ath. Ass'n, 486 F. Supp.  
25 3d 838.

26 225.To prove a violation of the First Amendment in a § 1983 claim, a plaintiff must establish  
27 several key components. First, the plaintiff must demonstrate that they were engaged in  
28 constitutionally protected conduct. This means the plaintiff’s actions or speech must be

protected under the First Amendment Elliot v. Pa. Interscholastic Ath. Ass'n, 486 F. Supp. 3d 838, Neveau v. City of Fresno, 392 F. Supp. 2d 1159, Cox v. Warwick Valley Cent. Sch. Dist., 654 F.3d 267.

226. Second, the plaintiff must show that the defendant took an adverse action against them. An adverse action is one that would deter a person of ordinary firmness from continuing to engage in the protected conduct Elliot v. Pa. Interscholastic Ath. Ass'n, 486 F. Supp. 3d 838, Neveau v. City of Fresno, 392 F. Supp. 2d 1159, Cox v. Warwick Valley Cent. Sch. Dist., 654 F.3d 267.

227. Third, there must be a causal connection between the protected conduct and the adverse action. The plaintiff must prove that the adverse action was motivated, at least in part, by the plaintiff's protected conduct Elliot v. Pa. Interscholastic Ath. Ass'n, 486 F. Supp. 3d 838, Neveau v. City of Fresno, 392 F. Supp. 2d 1159, Cox v. Warwick Valley Cent. Sch. Dist., 654 F.3d 267.

228. When suing government officials, the plaintiff must plead and prove that each government-official defendant, through their own individual actions, violated the Constitution. This means that vicarious liability is inapplicable, and the plaintiff must show that the official's own conduct and state of mind led to the constitutional violation Dodds v. Richardson, 614 F.3d 1185, Tangreti v. Bachmann, 983 F.3d 609.

229. Plaintiff incorporates all above related facts that regard the 2<sup>nd</sup> Defendants petitioning and use of a restraining order which was granted by use of fraudulent information provided to the 2<sup>nd</sup> Defendant by the 5<sup>th</sup> Defendant.

230. In New Jersey, when a plaintiff seeks a restraining order for cyber harassment against a defendant, the criteria that must be met are outlined in N.J.S.A. 2C:33-4(a) and related case law. The plaintiff must demonstrate that the defendant made or caused to be made a communication with the purpose to harass another person. The communication must be in a manner likely to cause annoyance or alarm, such as anonymously, at extremely inconvenient hours, or using offensively coarse language S.B.B. v. L.B.B., 476 N.J. Super. 575, § 2C:33-4.1. Crime of cyber-harassment.

231. The intent to harass is a critical element. The defendant must have acted with the specific purpose to harass the victim. This intent can be inferred from the evidence presented and from common sense and experience D.M.R. v. M.K.G., 467 N.J. Super. 308. The court may consider repeated communications that reasonably put the person in fear for their safety or intolerably interfere with their reasonable expectation of privacy D.M.R. v. M.K.G., 467 N.J. Super. 308.

232. The communication must be directed at the plaintiff or about the plaintiff with the intent to emotionally harm or place the plaintiff in fear of physical or emotional harm § 2C:33-4.1. Crime of cyber-harassment. The court may issue a temporary protective order if it finds sufficient grounds for granting the application, including prohibiting the defendant from committing or attempting to commit any future act of cyber harassment against the alleged victim § 2C:14-15. Temporary protective order.

233. The defendant's actions must be intentional and aimed at harassing the plaintiff, and the communications must be of a nature likely to cause annoyance or alarm to the plaintiff S.B.B. v. L.B.B., 476 N.J. Super. 575, § 2C:33-4.1. Crime of cyber-harassment, § 2C:14-15. Temporary protective order.

234. The Plaintiff host a weekly podcast dealing with issues of race, domestic violence and gender bias faced by minority men.

235. Around March 21, the Plaintiff hosted an episode of his podcast speaking about his experiences with the 2<sup>nd</sup> Defendant who violated the Plaintiff civil rights during the judicial process where the plaintiff was the listed victim of record.

236. Plaintiff expressed concern regarding the integrity and misconduct of the 2<sup>nd</sup> Defendant and her actions as the prosecutor against his offender who is the 4<sup>th</sup> Defendant.

237. Plaintiff asserted his intent to exercise his legal right to file complaints and grievance against the 2<sup>nd</sup> Defendant for the violations to his civil rights he could prove happen. During this episode, the Plaintiff stated that the 2<sup>nd</sup> defendant would be held responsible for her actions and be fired if he could prove the misconduct he alleged.

238. The Plaintiff never physically threatened the 2<sup>nd</sup> Defendant, and none of his speech mentioned violence or implied the use of imminent violence towards the 2<sup>nd</sup> Defendant.

239. The Plaintiff made no attempt to contact, or through 3<sup>rd</sup> party make the 2<sup>nd</sup> defendant aware of his podcast. The 2<sup>nd</sup> defendant and Plaintiff have no connections nor are they friends on social media.

240. 2<sup>nd</sup> Defendant became aware of the views of the Plaintiff when the 5<sup>th</sup> Defendant, Cynthia Hardaway sent an email to the 2<sup>nd</sup> Defendant claiming that a YouTube channel created by the 4<sup>th</sup> Defendant Francyna Evins was in fact created by the Plaintiff which was false.

241. This YouTube channel hosted edited videos created by the 4<sup>th</sup> Defendant that misrepresented his original content and additionally used Artificial Intelligence to edit and recreate videos where the Plaintiff appeared to be threatening the 2<sup>nd</sup> Defendant.

242. By use of the falsified discovery sent to the 2<sup>nd</sup> Defendant by the 5<sup>th</sup> Defendant, the 2<sup>nd</sup> Defendant was able to obtain a temporary restraining order after alleging threats and fear of physical harm.

243. After a thorough investigation by Detectives within the Office of the 1<sup>st</sup> Defendant, it was determined that the Plaintiff did not own nor control the YouTube Channel Sent to the 2<sup>nd</sup> Defendant.

244. Despite verification from investigators within the office of the 1<sup>st</sup> Defendant, 2<sup>nd</sup> Defendant used the falsified discovery to bring allegations of Cyber Harassment against the Plaintiff.

245. The 2<sup>nd</sup> Defendant did so to violate the free speech of the Plaintiff due to fear of being discovered for acts of misconduct committed against the Plaintiff.

246. The falsified discovery used was created by the 4<sup>th</sup> Defendant for purposes of gaining leverage over the victim of a state prosecution where the 4<sup>th</sup> Defendant was the listed criminal Defendant.

247. Speech protected by the First Amendment is not protected when it falls into certain narrow categories that have been historically unprotected. These categories include fighting words, obscenity, child pornography, incitement, defamation, true threats, and speech integral to

criminal conduct State v. Higginbotham, 257 N.J. 260, State v. Hill, 256 N.J. 266, State v. B.A., 458 N.J. Super. 391.

248. The New Jersey Supreme Court has noted that the state constitution provides broader protection for free speech than the federal constitution, but it still does not protect speech that falls into the aforementioned unprotected categories Dublirer v. 2000 Linwood Ave. Owners, Inc., 220 N.J. 71, Horizon Health Center v. Felicissimo, 263 N.J. Super. 200

249. The Supreme Court of New Jersey has held that persons who file grievances “may speak publicly regarding the fact that a grievance was filed, the content of that grievance, and the result of the process.” Since disciplinary officials are required by Rule 1:20-9(h) to maintain the confidentiality of the investigation process and may neither speak about the case nor release any documents, until and unless a formal complaint is issued and served, you must also keep confidential any documents you may receive during the course of the investigation of your grievance.

250. Those who file complaints are not forbidden from speaking about complaints filed although they are advised its best to keep details on a need-to-know basis. No law within the state of New Jersey forbids a grievant or litigant from speaking about disciplinary or civil acts taken against those who violated their rights.

251. In New Jersey, a grievant or litigant cannot be punished for speaking about a state official who has violated their rights, as such speech is protected under the First Amendment. The New Jersey Supreme Court has held that Rule 1:20-9, which previously mandated confidentiality of grievances against attorneys, violates the First Amendment because it is not narrowly tailored to advance a compelling interest. The court concluded that a grievant is not barred from divulging the fact that they filed a grievance, the content of that grievance, and the result of the process R.M. v. Supreme Court of N.J., 185 N.J. 208, R.M. v. Supreme Court of New Jersey, 190 N.J. 1.

252. Under New Jersey law, any person who interferes with the exercise or enjoyment of constitutional rights through threats, intimidation, or coercion is liable for civil penalties, and the Attorney General may bring a civil action for damages and injunctive relief on



contracts due to the cyber harassment and defamation of Francyna Evins, emotional distress damages, including, but not limited to, pain, suffering, stress, humiliation, and mental anguish.

b. Punitive damages.

c. Attorney fees, pre-and post-judgment interest, and cost of suit;

d. Sanctions against attorney Cynthia Hardaway; monetary damages for defamation

e. An order directing the office of the 1<sup>st</sup> defendant to communicate and provide the plaintiff with those rights detailed within N.J.S.A 52:4B-36;

f. An order directing the office of the 1<sup>st</sup> defendant to comply with the requirements set for within the NJPDVA and federal domestic violence law regarding the treatment of victims of Domestic Violence.

g. Such other relief as the Court may deem just and appropriate under the circumstances.

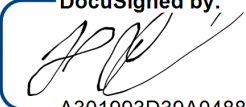
h. Damages pursuant to 42 U.S.C 1983 for the extended civil rights violations of the defendants named herein.

i. Damages pursuant to Monell v. Department of Social Services, for the actions of all defendants who acted “under color of law” using the officers and official positions to violate the civil rights of the plaintiff

J. Damages pursuant to New Jersey Civil Rights act for those violations against all named defendants herein who acting “under color of law” did violate the civil rights of the plaintiff and discriminate against the plaintiff by refusing to enforce the Superior Court of New Jerseys mandatory restraining order against the 6<sup>th</sup> defendant.

k. Any other relief this honorable court may see fit to provide.

Dated this 28 of September, 2024.

DocuSigned by:  
  
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PRO SE

**Certification**

1.1 I, Clayton Howard, hereby certify that the factual allegations contained in this civil action complaint are true and accurate to the best of my knowledge and belief.

1.2 I certify that this complaint is filed in good faith and not for any improper purpose.

1.3 I certify that this complaint complies with the Federal Rules of Civil Procedure, the Local Rules of this Court, and the ethical obligations applicable to federal litigation.

**2. Parties**

2.1 The plaintiff in this action is Clayton Howard, a resident of Middlesex County, New Jersey who is of legal age.

2.2 The defendant(s) in this action are:

**1. State of New Jersey**

2. Essex County Prosecutors Office and its Officials
3. Jenna Ventola Official of the 2<sup>nd</sup> defendant
4. "John Doe" Official of the 3<sup>rd</sup> defendant
5. Francyna Evins defendant of FV-07-3579-22 and 4<sup>th</sup> defendant
6. Cythnia Hardaway. 5<sup>th</sup> defendant
7. Carteret Police Department 6<sup>th</sup> defendant
8. Office Johnathan Defelice 7<sup>th</sup> defendant
9. Officer Torobino 8<sup>th</sup> defendant
10. Sgt Jason Hanes 9<sup>th</sup> defendant
11. Patrick Wallmack 10<sup>th</sup> defendant
12. Judge Allen Cumba 11<sup>th</sup> defendant
13. Judge Chandra Cole 12<sup>th</sup> defendant

1 3. Jurisdiction and Venue

2 3.1 This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and § 1343 as  
3 it arises under 42 U.S.C. § 1983 and the New Jersey Civil Rights Act, N.J.S.A. 10:6-2 and seeks redress for  
4 the deprivation of the plaintiff's civil rights under color of state law.

5 3.2 Venue is proper in this judicial district under 28 U.S.C. § 1391(b) because the events  
6 giving rise to the plaintiff's claims occurred in this district.

7 4. Factual Allegations:

- 8 1. The plaintiff has been the subject of ongoing harassment and criminal actions committed by defendant  
9 Francyna Evins beginning in May 2022.
- 10 2. The Newark Police Department were notified of violations to the restraining order over a two (2) year  
11 period and intentionally refused to enforce the protections ordered in favor of the plaintiff due to  
12 discrimination and gender bias
- 13 3. The Essex County Sheriff's Office received fictitious complaints filed by Francyna Evins which were  
14 investigated and determined false by its detectives yet despite an active final restraining order refused to  
15 enforce the protection further discriminating and inflicting discrimination and gender bias against the  
16 plaintiff
- 17 4. The Essex County Prosecutors Office is a government agency responsible for maintaining law and order  
18 and the prosecution of criminals to include those that violate restraining orders in accordance with  
19 Domestic Violence law. Failure of the Essex County Prosecutors office to protect the plaintiff who was a  
20 victim within an active prosecution and the protected party within final restraining order FV-07-3579-22  
21 where committed between August 2022 throughout July 2024 (Current) The Office of the Essex County  
22 Prosecutors refuse to provide the plaintiff with any protections as the listed and/or protected victim  
23 further supporting the plaintiffs' claims of gender bias and discrimination by defendants named herein.  
24 The Essex County Prosecutors office withheld key discovery that would have affected the outcome of the  
25 trial in favor of the plaintiff who was a victim, robbing the plaintiff of justice against his accused  
26 violating Brady v Maryland and the civil rights of the plaintiff.
- 27 5. Francyna Evins is the ex-partner of the plaintiff who for almost two (2) years intentionally violated the  
28 stipulated protections of final restraining order FV-07-3579-22 and engaged in a continuous campaign of

1 harassment, stalking, cyber bullying and intimidation against the plaintiff using false and vexatious  
2 litigation to abuse his emotional health and his financial life. During the course of this continued  
3 harassment Francyna Evins further violated more than (10) New Jersey Code of Criminal Conduct statutes  
4 in order to achieve vengeance and in an attempt to menace the life of the plaintiff. Francyna Evins altered  
5 public records that she used to destroy the plaintiffs' reputation online falsely diagnosing the plaintiff as  
6 "Schizophrenic" creating over forty (40) videos and further filed fictitious court documents to deceive the  
7 court into removing the protections of the restraining order in her favor.

8 6. Cythnia Hardaway is an attorney that violated numerous American Bar Association Rules of Professional  
9 Conduct when she knowingly submitted falsified information on behalf of her client to prosecutors and the  
10 trial judge of State of New Jersey V Francyna Evins in an attempt to again unjust favor and leverage for her  
11 client Francyna Evins who was being criminally prosecuted for crimes against the plaintiff. Despite being  
12 advised and provided proof that the information submitted to the court and office of the prosecutor had  
13 been falsified, Cynthia Hardaway refused to retract the false narrative via email when retraction was  
14 requested. Cythnia Hardway further falsified court dates for actions she was not party too, to obtain  
15 adjournments in favor of her client to intentionally delay and hinder the justice process further harassing  
16 the plaintiff.

17 7. Carteret Police Department violated the plaintiff rights by refusing to enforce state restraining order FV-07-  
18 3579-22 and further altering plaintiff statements made to deny the plaintiff the rights granted in accordance  
19 with stated and federal domestic violence law. Officer Jonathan Defelice altered several plaintiff statements  
20 which can be substantiate via the officer body camera footage were certified court records were produced  
21 to the officers, yet his written report does not reflect the correct information provided to him and recorded  
22 on the body camera footage. Officer Torbino falsely informed the plaintiff that a State Final Restraining  
23 order was not enforceable in Carteret and denied the plaintiff the opportunity to document his complaints.  
24 The plaintiff believes the cause of these civil rights violations are gender bias and discrimination both  
25 racially motivated and sexually biased.

26 8. Middlesex County Municipal Prosecutors Office maliciously prosecuted the plaintiff for eighteen (18)  
27 months for allegations of false reporting filed by 6<sup>th</sup> defendant Francyna Evins seven (7) days after the  
28 Essex Family restraining order was granted on December 1, 2022. Despite being provided with the certified

trial court transcript from Essex County which verified all actions were adjudicated within Essex County during the trial of Francyna Evins Prosecutor Patrick Wallmack maliciously prosecuted the plaintiff and refused to acknowledge the plaintiff as the state's victim of an active domestic violence restraining order for harassment held against Francyna Evins. Prosecutor Wallmack proceeded to assist the 6<sup>th</sup> defendant who attempted to build a new harassment case against the plaintiff in Middlesex County due to her failure to obtain an order within Essex County after losing the trial. The plaintiff believes the cause of these civil rights violations are gender bias and discrimination both racially motivated and sexually biased.

9. Borough of Carteret Municipal Court refused to grant the plaintiff the protect rights awarded by the Superior Court of New Jersey. Judge Allen Cumba denied ever contempt complaint against Francyna Evins despite reports from Detective Megan Magalski who stood present and witness the third-party contact of producers from the television show "Divorce Court" where they plaintiff was told by the producer the 6<sup>th</sup> defendant had given the show his number and asked, he be contacted to participate in the show for a sum of \$300. The plaintiff was also asked to drop the restraining order while this took place all stated before Detective Megan Magalski of the Carteret PD. Judge Allen Cumba who is bias towards minority male victims refused his responsibly to protect the plaintiff who was being harassed. The plaintiff believes the cause of these civil rights violations are gender bias and discrimination both racially motivated and sexually biased.

#### 5. Claims for Relief

- a. Compensatory damages for loss of wages (backpay and front pay), lost contracts due to the cyber harassment and defamation of Francyna Evins, emotional distress damages, including, but not limited to, pain, suffering, stress, humiliation, and mental anguish.
- b. Punitive damages.
- c. Attorney fees, pre-and post-judgment interest, and cost of suit;
- d. Sanctions against attorney Cynthia Hardaway; monetary damages for defamation
- e. An order directing the office of the 2nd defendant to communicate and provide the plaintiff with those rights detailed within N.J.S.A 52:4B-36;

1 d. An order directing the office of the 2nd defendant to comply with the requirements  
2 set for within the NJPDVA and federal domestic violence law regarding the treatment  
3 of victims of Domestic Violence.

4 e. Damages pursuant to Monell v. Department of Social Services, for the actions of all  
5 defendants who acted "under color of law" using the officers and official positions to  
6 violate the civil rights of the plaintiff

7 f. Damages pursuant to New Jersey Civil Rights act for those violations against all  
8 named defendants herein who acting "under color of law" did violate the civil rights  
9 of the plaintiff and discriminate against the plaintiff by refusing to enforce the  
10 Superior Court of New Jerseys mandatory restraining order against the 6th defendant.

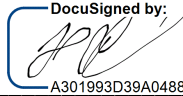
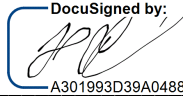
11 g. Such other relief as the Court may deem just and appropriate under the  
12 circumstances.

13 h. Damages pursuant to 42 U.S.C 1983 for the extended civil rights violations of the  
14 defendants named herein.

15 6. Verification

16 I Clayton Howard declare under penalty of perjury under the laws of the United States  
17 of America that the foregoing is true and correct.

18  
19 Executed on August 2, 2024.

20  DocuSigned by:  
21   
A301993D39A0488...

22 Pro Se  
23  
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